

And, Mr. Speaker, I remember with so much pleasure this fact, that Mr. TRIBBLE not only professed the Christian religion but he practiced it, which is a far better thing.

I see him now, when on Sabbath evenings when at home, he would go into East Athens, a part of the city lived in by God-fearing men and women, and he visited the Sunday schools and singing schools. Nothing interested him more than this work, and he brought sunshine and happiness whenever he entered the door. What a sweet reflection this is.

"I am the resurrection and the life, saith the Lord; he that believeth in me, though he were dead, yet shall he live," and whosoever liveth and believeth shall never die.

Life's fitful fever ended, he sleeps well, and may he renew his wasted strength and refresh his fatigued faculties in the balmy breezes of Heaven's happy home. May a kind Providence rest his mighty soul in eternal peace.

The SPEAKER pro tempore. Under the resolution already adopted the House stands adjourned until Monday, February 5, 1917, at 12 o'clock noon.

Accordingly (at 1 o'clock and 58 minutes p. m.) the House adjourned to meet to-morrow, Monday, February 5, 1917, at 12 o'clock noon.

SENATE.

MONDAY, February 5, 1917.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, our Father in heaven, we feel deeply our dependence upon Thee and upon Thy kind providence. We know not what a day may bring forth. In the midst of life we are in death. Guide us, we pray Thee, and guide all the affairs of our great country, that we may have life, and that we may have it more abundantly. Bless Thy servant, the President of the United States, his Cabinet, the Members of Congress, and all who are in positions of authority that they may have wisdom and grace to guide us through these perilous times in a safe way, and that the blessings of peace may speedily come to all the world. We ask it all in Jesus' name. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, February 2, 1917, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUBMARINE WARFARE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 3d instant, a translation of the note addressed to him on January 31, 1917, by the German ambassador at Washington, together with translations of the two memoranda which accompanied it. The communication and accompanying papers will be printed in the RECORD and referred to the Committee on Foreign Relations.

The matter referred to is as follows:

To the Senate:

In compliance with the resolution adopted by the Senate on February 3, 1917, requesting the Secretary of State, if not incompatible with the public interest, to transmit to the Senate a correct copy of the message and accompanying memoranda from the Imperial German Government advising of the resumption of submarine warfare against neutral and other countries, of date February, 1917, the undersigned the Secretary of State has the honor to transmit to the Senate herewith a translation of the note addressed to him on January 31, 1917, by the German ambassador at Washington, together with translations of the two memoranda which accompanied it.

These appear to be the documents called for by the Senate resolution.

DEPARTMENT OF STATE.

Washington, February 3, 1917.

(File No. 763.72/3179.)

THE GERMAN AMBASSADOR TO THE SECRETARY OF STATE.

[Translation.]

GERMAN EMBASSY,

Washington, January 31, 1917.

MR. SECRETARY OF STATE: Your Excellency were good enough to transmit to the Imperial Government a copy of the message which the President of the United States of America addressed to the Senate on the 22d instant. The Imperial Government has given it the earnest consideration which the President's statements deserve, inspired as they are by a deep sentiment of responsibility. It is highly gratifying to the Imperial Government to ascertain that the main tendencies of this important statement correspond largely to the desires and principles professed by Germany. These principles especially include self-government and equality of rights for all nations. Germany would be sincerely glad if in recognition of this principle countries like Ireland and India, which do not enjoy the benefits of political independence, should now obtain their freedom. The German people also repudiate all alliances which serve to force the countries into a competition for might and to involve them in a net of selfish intrigues. On the other hand, Germany will gladly cooperate in all efforts to prevent future wars. The freedom of the seas, being a preliminary condition of the free existence of nations

and the peaceful intercourse between them as well as the open door for the commerce of all nations, has always formed part of the leading principles of Germany's political program. All the more the Imperial Government regrets that the attitude of her enemies who are so entirely opposed to peace makes it impossible for the world at present to bring about the realization of these lofty ideals. Germany and her allies were ready to enter now into a discussion of peace and had set down as basis the guaranty of existence, honor, and free development of their peoples. Their aims, as has been expressly stated in the note of December 12, 1916, were not directed toward the destruction or annihilation of their enemies and were, according to their conviction, perfectly compatible with the rights of the other nations. As to Belgium, for which such warm and cordial sympathy is felt in the United States, the chancellor had declared only a few weeks previously that its annexation had never formed part of Germany's intentions. The peace to be signed with Belgium was to provide for such conditions in that country, with which Germany desires to maintain friendly neighborly relations, that Belgium should not be used again by Germany's enemies for the purpose of instigating continuous hostile intrigues. Such precautionary measures are all the more necessary as Germany's enemies have repeatedly stated not only in speeches delivered by their leading men but also in the statutes of the economical conference in Paris that it is their intention not to treat Germany as an equal even after peace has been restored but to continue their hostile attitude and especially to wage a systematical economical war against her.

The attempt of the four allied powers to bring about peace has failed, owing to the lust of conquest of their enemies, who desired to dictate the conditions of peace. Under the pretense of following the principle of nationality, our enemies have disclosed their real aims in this war, viz, to dismember and dishonor Germany, Austria-Hungary, Turkey, and Bulgaria. To the wish of reconciliation they oppose the will of destruction. They desire a fight to the bitter end.

A new situation has thus been created which forces Germany to new decisions. Since two years and a half England is using her naval power for a criminal attempt to force Germany into submission by starvation. In brutal contempt of international law the group of powers led by England does not only curtail the legitimate trade of their opponents but they also by ruthless pressure compel neutral countries either to altogether forego every trade not agreeable to the entente powers or to limit it according to their arbitrary decrees. The American Government knows the steps which have been taken to cause England and her allies to return to the rules of international law and to respect the freedom of the seas. The English Government, however, insists upon continuing its war of starvation, which does not at all affect the military power of its opponents but compels women and children, the sick and the aged, to suffer for their country pains and privations which endanger the vitality of the nation. Thus British tyranny mercilessly increases the sufferings of the world indifferent to the laws of humanity, indifferent to the protests of the neutrals whom they severely harm, indifferent even to the silent longing for peace among England's own allies. Each day of the terrible struggle causes new destruction, new sufferings. Each day shortening the war will on both sides preserve the life of thousands of brave soldiers and be a benefit to mankind.

The Imperial Government could not justify before its own conscience, before the German people, and before history the neglect of any means destined to bring about the end of the war. Like the President of the United States, the Imperial Government had hoped to reach this goal by negotiations. After the attempts to come to an understanding with the entente powers have been answered by the latter with the announcement of an intensified continuation of the war the Imperial Government—in order to serve the welfare of mankind in a higher sense and not to wrong its own people—is now compelled to continue the fight for existence, again forced upon it, with the full employment of all the weapons which are at its disposal.

Sincerely trusting that the people and Government of the United States will understand the motives for this decision and its necessity, the Imperial Government hopes that the United States may view the new situation from the lofty heights of impartiality and assist on their part to prevent further misery and avoidable sacrifice of human life.

Inclosing two memoranda regarding the details of the contemplated military measures at sea, I remain, etc.

(Signed)

J. BERNSTORFF.

[Inclosure 1.]

MEMORANDUM.

After bluntly refusing Germany's peace offer the entente powers, stated in their note addressed to the American Government, that they are determined to continue the war in order to deprive Germany of German Provinces in the west and the east, to destroy Austria-Hungary, and to annihilate Turkey. In waging war with such aims, the entente allies are violating all rules of international law, as they prevent the legitimate trade of neutrals with the central powers, and of the neutrals among themselves. Germany has, so far, not made unrestricted use of the weapon which she possesses in her submarines. Since the entente powers, however, have made it impossible to come to an understanding based upon equality of rights of all nations, as proposed by the central powers and have instead declared only such a peace to be possible, which shall be dictated by the entente allies and shall result in the destruction and humiliation of the central powers, Germany is unable further to forego the full use of her submarines. The Imperial Government, therefore does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the entente allies' brutal methods of war and by their determination to destroy the central powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the entente allies give back to Germany the freedom of the action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc. All ships met within that zone will be sunk.

The Imperial Government is confident that this measure will result in a speedy termination of the war and in the restoration of peace which the Government of the United States has so much at heart. Like the Government of the United States, Germany and her allies had hoped to reach this goal by negotiations. Now that the war, through the fault of Germany's enemies, has to be continued, the Imperial Government feels sure that the Government of the United States will understand the necessity of adopting such measures as are destined to bring about a speedy end of the horrible and useless bloodshed. The

Imperial Government hopes all the more for such an understanding of her position, as the neutrals have under the pressure of the entente powers, suffered great losses, being forced by them either to give up their entire trade or to limit it according to conditions arbitrarily determined by German's enemies in violation of international law.

[Inclosure 2.]
MEMORANDUM.

From February 1, 1917, all sea traffic will be stopped with every available weapon and without further notice in the following blockade zones around Great Britain, France, Italy, and in the eastern Mediterranean:

In the north: The zone is confined by a line at a distance of 20 sea miles along the Dutch coast to Terschelling Fire Ship, the degree of longitude from Terschelling Fire Ship to Udsire, a line from there across the point 62° north 0° longitude to 62° north 5° west, farther to a point 3 sea miles south of the southern point of the Faroe Islands, from there across point 62° north 10° west to 61° north 15° west, then 57° north 20° west to 47° north 20° west, farther to 43° north, 15° west, then along the degree of latitude 43° north to 20 sea miles from Cape Finisterre and at a distance of 20 sea miles along the north coast of Spain to the French boundary.

In the south: The Mediterranean.

For neutral ships remains open: The sea west of the line Point del'Espique to 38° 20' north and 6° east, also north and west of a zone 61 sea miles wide along the north African coast, beginning at 2° longitude west. For the connection of this sea zone with Greece there is provided a zone of a width of 20 sea miles north and east of the following line: Thirty-eight degrees north and 6° east to 38° north and 10° east to 37° north and 11° 30' east to 34° north and 11° 30' east to 34° north and 22° 30' east.

From there leads a zone 20 sea miles wide west of 22° 30' eastern longitude into Greek territorial waters.

Neutral ships navigating these blockade zones do so at their own risk. Although care has been taken that neutral ships which are on their way toward ports of the blockade zones on February 1, 1917, and have come in the vicinity of the latter, will be spared during a sufficiently long period it is strongly advised to warn them with all available means in order to cause their return.

Neutral ships which on February 1 are in ports of the blockaded zones can, with the same safety, leave them if they sail before February 5, 1917, and take the shortest route into safe waters.

The instructions given to the commanders of German submarines provide for a sufficiently long period during which the safety of passengers on unarmed enemy passenger ships is guaranteed.

Americans en route to the blockade zone on enemy freight steamers are not endangered, as the enemy shipping firms can prevent such ships in time from entering the zone.

Sailing of regular American passenger steamers may continue undisturbed after February 1, 1917, if (a) the port of destination is Falmouth; (b) sailing to or coming from that port course is taken via the Scilly Islands and a point 50 degrees north 20 degrees west; (c) the steamers are marked in the following way, which must not be allowed to other vessels in American ports: On ships' hull and superstructure three vertical stripes 1 meter wide, each to be painted alternately white and red. Each mast should show a large flag checkered white and red, and the stern the American national flag. Care should be taken that during dark, national flag and painted marks are easily recognizable from a distance and that the boats are well lighted throughout; (d) one steamer a week sails in each direction, with arrival at Falmouth on Sunday and departure from Falmouth on Wednesday; (e) the United States Government guarantees that no contraband (according to German contraband list) is carried by those steamers.

ANNUAL REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 2027).

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1916, which was referred to the Committee on Patents and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions filed by the court in the following causes:

Annie K. Squier, widow (remarried) of Samuel Ingraham, deceased, *v. The United States* (S. Doc. No. 704); and

Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased, *v. The United States* (S. Doc. No. 705).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes;

H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 1358. An act for the relief of Everett H. Corson;

H. R. 3238. An act for the relief of Sarah E. Elliott;

H. R. 5262. An act for the relief of John B. Hoover;

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 10173. An act for the relief of Anna C. Parrett;

H. R. 11745. An act for the relief of S. E. Bennett;

H. R. 12240. An act for the relief of John Brodie;

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch;

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner;

H. R. 14572. An act for the relief of Gertie Foss;

H. R. 14645. An act for the relief of the legal representatives of P. H. Aylett;

H. R. 14784. An act for the relief of Alma Provost;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America; and

H. R. 14978. An act for the relief of Ida Turner.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram from the Legislature of South Dakota, transmitting a copy of a concurrent resolution adopted by the legislature pledging the support of the people of that State to the President and the Congress in the present crisis, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PIERRE, S. DAK., February 4, 1917.

The PRESIDENT OF THE SENATE,
Washington, D. C.

Concurrent resolution.

Be it resolved by the House of Representatives of South Dakota (the Senate concurring). That we, the Legislative Assembly representing the people of the State of South Dakota, do in this crisis hereby pledge our support to the President and Congress of the United States in any stand they may take to defend and protect the honor and dignity of our Nation and to preserve to our citizens their rights and privilege.

Be it further resolved. That a copy of this resolution be forthwith messaged by wire by the secretary of state to the President of the United States and to the presiding officer of each House of the National Congress.

FRANK M. ROOD,
Secretary of South Dakota.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the Bible class of the First Presbyterian Church of Pittston, Pa., praying for national prohibition, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of the United States, remonstrating against the literacy test in the immigration bill, commending the President for his veto of that bill, and praying that Congress eliminate the literacy clause from the measure, which was ordered to lie on the table.

He also presented a telegram, in the nature of a petition, from the executive council of the New York State Federation of Labor, indorsing the President's action in severing diplomatic relations with Germany and pledging their support, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan. I have received a number of telegrams from mutual life insurance companies and others in my State protesting against the passage of the pending emergency revenue bill in its present form, and asking an opportunity to be heard.

I have one from H. B. Coleman, of Kalamazoo, Mich., which is fairly indicative of the others, and I will ask that it be printed in the RECORD without reading.

There being no objection, the telegrams were referred to the Committee on Finance and the one indicated ordered to be printed in the RECORD, as follows:

KALAMAZOO, MICH., January 30, 1917.

WM. ALDEN SMITH,
Washington, D. C.:

In behalf of the mutual life insurance companies I desire to enter a protest against the passage of the Federal emergency-revenue measure in its present form. I regard it as being unfair and unjust to them, and the reasons for this conclusion will be placed before you later. In the meantime, please use your endeavors to secure a fair hearing from the companies on this measure.

H. B. COLEMAN.

Mr. SMITH of Michigan. I have also telegrams from the Michigan Manufacturers' Association protesting against the passage of the revenue bill in that it discriminates against manufacturers and other business associations.

I present a protest from Hon. Cornelius Van Loo, one of the prominent citizens of Michigan, and if I may be indulged for a moment I will read a sentence or two from this protest. It comes from Zeeland, Mich., and is addressed to myself.

We note there is a Federal revenue bill now pending which carries a provision for taxing all profits of a corporation in excess of 8 per cent on their capital. We do not understand whether this is to take the place of the income tax we now have to pay or is in addition thereto. If it takes the place of it, then it is to be preferred, if the rate be not excessive. If we are correctly informed, that rate is to be 8 per cent, which would be outrageous. Under the present income tax law we pay on all profits or income, while if a man gets his income from another

source than corporate earnings he has, if married, \$4,000 exempt, otherwise \$3,000. By consequence, if our business were not corporate but I owned it alone I would have \$4,000 exempt, while now we pay on the whole. How does that work? We have 35 stockholders, many poor people, for small amounts only. They have to stand their share, small, it is true, but the principle is vicious. For instance, Mrs. Gertrude Verecke holds 83 shares which her dead husband left her. What she requires to live beyond the income from this she has to earn by scrubbing and washing. Yet she must help pay this income tax. If anyone can make out that that is right, I should like to hear the argument. We also are now required to pay a tax on stock, if above the value of \$99,000. That is a tax—and it must be paid in advance—for the privilege of doing business, for the privilege of working so one can earn his living. The idea seems to be, pay a tax or you have no right to live, to exist. I do not see what we are coming to, and when the money is raised we waste it catching (not catching) Villa and not getting salute of 21 guns to restore the honor of our flag. O Statesmanship, what folly and nonsense and oppression are committed in thy name.

I am reading that as a fair sample of protests which come to me daily and which emphasize the utter lack of sympathy of the people with this proposed taxation.

Mr. SMITH of Georgia. I wish to say to the Senator from Michigan that to-morrow at 10 o'clock we will hear the insurance people in the office of the Committee on Education and Labor.

Mr. SMITH of Michigan. I thank the Senator.

Mr. SMITH of Georgia. I take it for granted that the general representatives of the insurance companies will speak for all of them.

Mr. SMITH of Michigan. I am very much obliged to the Senator.

Mr. SMITH of Georgia. The Subcommittee on Finance has in charge the business of insurance, and there is question as to what is really the desire of the insurance companies. I understand they do not object to paying on their profits, but they do not wish to be taxed on the trust funds of their policyholders.

Mr. SMITH of Michigan. I am very much obliged to the Senator from Georgia. I hope they are giving careful thought to that phase of this question.

Mr. SMITH of Georgia. We are, and a subcommittee consisting of three Democrats will sit to-morrow and hear them.

Mr. SMOOT. Did I understand the Senator to say that the Committee on Education and Labor will hear them?

Mr. SMITH of Georgia. No; I said in the office of the Committee on Education and Labor.

Mr. SMOOT. That will be three members of the majority of the Finance Committee?

Mr. SMITH of Georgia. Three members of the majority of the Finance Committee will sit to-morrow morning and hear them.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. SMITH of Michigan presented a telegram, in the nature of a petition, from the Board of Commerce, of Marshall, Mich., praying for an appropriation for the erection of a new post-office building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. CURTIS. I present a concurrent resolution of the Legislature of Kansas, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution 12.

Whereas the granting of suffrage to the women of Kansas has resulted beneficially to the State and has been a great advantage to the men and women of Kansas and is a helpful influence in all public affairs and legislation; and

Whereas the withholding of the right to vote from women of other States is an injustice and deprives the Nation of the direct participation in the Government of a large part of the people: Be it

Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein), That the Senators and Representatives in Congress from the State of Kansas are hereby requested to vote in favor of the Susan B. Anthony amendment, which seeks to terminate the discrimination against women and to urge upon Congress a submission of that amendment to the States for ratification.

Resolved, That a copy of this resolution be sent to each Senator and Representative in Congress from the State of Kansas, to be presented by them to the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 24, 1917.

W. Y. MORGAN,
President of the Senate.
E. D. GEORGE,
Secretary of the Senate.

Passed the house January 26, 1917.

A. M. KEENE,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Approved January 30, 1917.

ARTHUR CAPPER, Governor.

Mr. CURTIS. I present a concurrent resolution of the Legislature of Kansas, which I ask to have printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the concurrent resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, J. T. Botkin, secretary of state of the State of Kansas, do hereby certify that the following and hereto attached is a true copy of house concurrent resolution No. 15, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 1st day of February, A. D. 1917.

[SEAL.]

J. T. BOTKIN,
Secretary of State.

House concurrent resolution 15.

Whereas the southwestern portion of the State of Kansas is located in what is known as the semiarid belt at the foot of the Rocky Mountains; and

Whereas the Cimarron River flows through this portion of the State of Kansas; and

Whereas the Government of the United States has made surveys for reservoir sites for the purpose of reclaiming the semiarid belt at the foot of the Rocky Mountains: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas (the Senate concurring therein):

SECTION 1. That the Legislature of the State of Kansas request the Secretary of the Interior and the Congress of the United States to erect a plant on the highest general level near the west line of the State of Kansas, on the Cimarron River, for the purpose of reclaiming the semiarid portions of southwest Kansas by means of subirrigation.

SEC. 2. That the secretary of state be directed to forward to the Secretary of the Interior of the United States, to the Vice President, and to the Speaker of the House of Representatives of the United States a copy of this resolution, and that a copy be also forwarded by the secretary of state to each Representative and Senator of the State of Kansas in the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 23, 1917.

A. M. KEENE,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Passed the senate January 25, 1917.

W. Y. MORGAN,
President of the Senate.
E. D. GEORGE,
Secretary of the Senate.

Approved January 30, 1917.

ARTHUR CAPPER,
Governor.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, urging the adoption of an amendment to the Constitution granting woman suffrage. I ask that it may be printed in the RECORD.

The joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 3, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 30th day of January, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

Senate joint memorial No. 3.

To the President and the Congress of the United States:

We, the Senate and the House of Representatives of the State of Washington, memorialize your honorable body to submit to the States for ratification the amendment now pending granting to the women of the United States the elective franchise.

Passed the senate January 16, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 25, 1917.

GUY E. KELLY,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, ss:

Filed in the office of secretary of state January 29, 1917, at 2.45 p. m.

I. M. HOWELL,
Secretary of State.

Mr. JONES. I have also a telegram here from Mr. J. W. Maxwell, of Seattle, Wash., pointing out reasons for the establishment of a thirteenth Federal reserve bank at Seattle. I ask that it may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the telegram was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., February 3, 1917.

Senator WESLEY L. JONES,
Washington, D. C.:

Your attention has no doubt been called to the disturbance among some of our banking institutions in Seattle and surrounding neighborhood. The clearing house association is of the opinion the matter is now entirely under control, as everything is normal. This, however, proves a contention which we have made since the passage of the Federal reserve act, and that is to the effect that Seattle, or rather the Pacific Northwest, is at too great a distance from any of the Federal reserve banks to do us any good in case of emergency. This assertion has proved itself without a question of doubt within the last week. While the Federal reserve officers at San Francisco were ready and willing to do everything they could, it was impossible to take advantage of anything on account of the distance. We have persistently requested that a branch be located in Seattle on account of the time it naturally takes to do business between Seattle and San Francisco. Reply to a letter written here can not be had for about five or six days. This would also be the same condition if Seattle was connected with the Federal reserve bank at Minneapolis. We fully realize that the reason a bank was not established in Seattle was for the fact that the capital necessary under the present act could not be obtained. While the business of this country may not be as voluminous as other parts, it does not seem right that we who contribute everything to the Federal reserve act that the banks do in other parts of the country should not have the quick protection which it affords in establishing the banks. Kansas City and St. Louis were each given one, and they are within a short distance of each other, while this part of the country is left entirely to itself. Is it not possible for Congress to amend the Federal reserve act creating another Federal reserve bank, which should be called No. 13, and the same located in Seattle? With the fast growing shipping interests and the needs of Alaska, as well as the business in the Pacific Northwest, the undersigned, who is president of the National City Bank of Seattle and chairman of the Clearing House Association, which handled the present financial difficulties, feels that it is proper to appeal to Congress for an amendment along the lines suggested above. Have telegraphed Senator JONES the same, and will suggest that you both take this up with our Congressmen and wire for any information that you may want.

J. W. MAXWELL.

Mr. NORRIS. I have here a resolution passed by the Senate of the Nebraska Legislature, memorializing Congress on the subject of the tax levied by the Federal Government on the manufacture and sale of liquor. I ask unanimous consent that the Secretary may read the resolution.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

Resolution.

Whereas under existing Federal laws any person engaged in the manufacture or sale of malt, spirituous, or vinous liquors is required to pay a tax to the Federal Government; and
Whereas the Federal statute levying such tax is purely a revenue measure, and was enacted neither to encourage nor discourage the sale of such liquors, nor to embarrass or interfere with the police regulations of the several States in respect to such liquors; and
Whereas it is a matter of common knowledge that comparatively few violators of such police regulations take the hazard of engaging in the manufacture or sale of such liquors without payment of the tax levied by the Federal Government, and a knowledge of those who had paid such tax to the Federal Government would be of great value to those charged with the duty of enforcing our State police regulations in respect to such liquors: Therefore

Resolved—

I. That we respectfully memorialize Congress to amend said revenue law by adding thereto the requirement that the collectors of such revenue be required to mail the governors of the several States and Territories each month a list showing the name and address of each person in the respective States who has paid such tax for the then current fiscal year.
II. That a copy hereof be transmitted to our Senators and Representatives in Congress.

Mr. NORRIS. In connection with the memorial of the Senate of the Nebraska Legislature, which I have just presented, I desire to have printed in the RECORD section 3240 of the Revised Statutes as amended and approved June 21, 1906. To a great extent I think the request contained in the memorial has been complied with, inasmuch as the existing law provides, to a certain extent at least, for the thing asked for.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Public, No. 263.]

An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records.

Be it enacted, etc., That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240 so as to read: "Sec. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as of a public record, for which a fee of \$1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."
Approved June 21, 1906.

Mr. GALLINGER. I present a telegram, which I ask to have read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

NEW YORK CITY, N. Y., February 3, 1917.

Senator JACOB H. GALLINGER,
United States Senator, Washington, D. C.:

Hundreds of thousands of women who do not wish to vote or run the Government do pray that no war or threat of war action shall be taken by this country, and that the Senator representing us as well as our voting brothers and husbands shall hesitate to cause our country to enter into this horrible struggle as combatants. Justice and peace should be the ruling American principle.

EMMA J. BRAZIER.

Mr. THOMPSON. I present a concurrent resolution of the Legislature of the State of Kansas, now in session, urging the erection of an irrigation plant on the west line of the State of Kansas on the Cimarron River for the purpose of reclaiming the semiarid section of southwestern Kansas. I ask to have it printed in the RECORD.

The VICE PRESIDENT. Has it not already been ordered printed in the RECORD?

Mr. CURTIS. I will state to my colleague that it has already been presented by me and ordered printed in the RECORD.

Mr. THOMPSON. Very well; I withdraw the request.

Mr. TOWNSEND. I present a petition requesting the Congress and the President to keep the country out of the European war. I ask that it be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

This resolution of protest was adopted by citizens of Frankenhurst Township, Bay County, Mich., January 26, 1917:

To the President and Congress of the United States of America:

Whereas there is at present in various localities of our country a propaganda at work to create enmity against the central powers of Europe and their allies, with which countries the United States have always been at peace, and whose people or governments have never threatened the integrity, independence, or honor of the United States; and

Whereas said propaganda fostered by the pro-British press in the United States is making every endeavor to cause our Government to sever the friendly relations with Germany and her allies and to openly espouse the cause of the entente; and

Whereas neither the people nor the Government of the United States are in duty bound to pass judgment on the warring nations of Europe; and

Whereas the Government of the United States has not offered a protest against the unlawful blockade of German and neutral ports by the entente with the avowed intent to starve the whole nation; and

Whereas our Government has not protested against the embargo placed by England on Red Cross supplies intended for Germany, nor against the deportation of thousands of men, women, and children from East Prussia, Poland, and Galicia by Russia to Siberia, where those deported are left to starvation; and

Whereas our Government did not see fit to protest against the violation of Greece's neutrality, which country has been outrageously invaded and blockaded by the entente powers, intending to subject Greece to the wishes of the entente allies by a policy of starvation; and

Whereas we sincerely regret the conditions in Belgium, whose Government has permitted itself to be sovereignized by England and France long before the present war broke out, to espouse the cause of the entente, and whose people now, by reason of England's high-handed act regarding Belgium imports and exports, are brought to the verge of ruin; and

Whereas some people of the United States are furnishing a large portion of the means with which to carry on this war, and without which means England would have had to accept the hand of peace which Germany and her allies so generously offered to them: Therefore be it

Resolved, That we, as loyal citizens of our country, most respectfully but earnestly request our President and Congress to do all in their power to keep the United States from getting embroiled in the European war. We ask, furthermore, that the President and Congress not give ear to the reports of alleged "barbarisms" pretendedly committed by Germany in deporting laboring men of Belgium to Germany that they may earn an honest living by work, which, due to England's restrictions on Belgium's trade was made impossible by them at home, this report of barbarisms of the Germans being merely a pretext to further the ends of those that circulate them. And, finally, that we ask our Government to warn all Americans not to travel or take passage on armed merchantmen of the warring nations, nor on ships carrying munitions for them, as the travel on such ships could produce the only possible excuse for the United States to enter into the present European war on the side of the entente allies.

Most respectfully,

ANDREW WEISS, President,
W. H. LOHRMANN, Secretary,
Frankenhurst Citizens' League.

Mr. WADSWORTH. I ask to have printed in the RECORD a telegram which I have received from representatives of various German and Austro-Hungarian organizations, societies, and fraternities representing a total membership aggregating 100,000. Their representatives met in the city of New York and took what I believe to be very significant action.

The VICE PRESIDENT. Does the Senator desire to have it printed in the RECORD without reading?

Mr. WADSWORTH. I would prefer to have the Secretary read it.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

Hon. JAMES WADSWORTH,
United States Senate, Washington, D. C.

DEAR SENATOR: In the name of over 500 representatives of various German and Austro-Hungarian organizations, societies, and fraternities, with a membership of more than 100,000, and now assembled at Arion Hall, New York City, having sworn unqualified loyalty and allegiance to this country and its President, pray and beg of you to make every effort to preserve peace.

Most sincerely,

Ludwig Nissen, Henry Weissman, Rev. Dr. Carl Popke, Dr. Gustav Scholer, Dr. A. Von Grimm, Dr. Emanuel Baruch, Christ Rebhan, Albert Zapfe, Dr. Louis Haupt, Louis Brass, Dr. C. C. Lienbarth, Henry Paris, Jno. Reynolds, Chas. Sanger, H. Holzhauser, B. Kleinschmidt, Dr. G. Rodemann, Joseph Peter, Julius Koechig, Frank J. Fuchs, Otto Will, Henry Arrah, Conrad Moeller, W. Sailer, L. Abgdschein, Jno. F. Becker, Otto C. H. Madag, Theo. Dietrich, H. W. Dittinger, H. F. Stange, Richard M. Schmidt, John G. Roth, Rudolph Cronau, Herm V. Letkeman, Oscar Weigel, Heinrich Abeles, Hermann Koch, Martin Brockmann, F. A. Schurmann, Ignatz Neymayer, Morris Cukor, Dr. Edw. Pollak, Mrs. L. Brass, Mrs. Albert Zapfe, Mrs. A. Blum, Mrs. A. Burger, Mrs. L. Speitel, Mrs. Dorwald, Mrs. K. Martensen, Mrs. P. Hovemann, Mrs. K. Mosson, Mrs. M. Richter, Mrs. Anna Wedemayer, Mrs. Ferd Knabe, Mrs. C. Harnischger, Mrs. E. J. Dornhoeher, Mrs. M. Michels, Mrs. H. Herr, Mrs. E. Steinen, Mrs. H. Weismann, Mrs. H. Abeles, Mrs. Helene Loibl, Mrs. Martin Brockmann, Mrs. D. Culk, Mrs. R. M. Schmidt, Mrs. Theod. Dietrich, and others.

Mr. GRONNA. I have a telegram from Harry Cutler, chairman of the commission on immigration, relative to the President's veto of the immigration bill, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., February 4, 1917.

Hon. A. J. GRONNA,
2219 California Street, Washington, D. C.:

The delegates of district No. 1, Independent Order B'nai B'rith, in convention assembled earnestly urge you to sustain the President's veto of the Burnett immigration bill. It is not a test of character, and is un-American. While it bars many desirable immigrants, it does not prevent the admission of undesirables.

HARRY CUTLER,
Chairman Commission on Immigration.

Mr. GRONNA. I present a telegram from the Pioneer Life Insurance Co. of North Dakota, which I ask may be printed in the RECORD unless it has been offered by my colleague this morning.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FARGO, D. AK., February 3, 1917.

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.:

Proposed Federal emergency revenue measure, if it applies to life insurance companies, will lay an unfair tax on the thrift of over 30,000,000 policyholders of this country, whose policies are already too heavily taxed. They are already more heavily taxed than the policies of war-ridden England, France, and Germany, where, in spite of the terrible need of money for the Government, the fact is recognized that men should be encouraged to insure their lives, and thus at death have the Commonwealth relieved of the burdens of caring for the families. Every penny of taxes levied on life insurance companies is paid by policyholders in increased cost of protection. We hope you will use your influence to have life insurance companies excepted from the provision of this proposed law.

THE PIONEER LIFE INSURANCE CO. OF NORTH DAKOTA.

Mr. CHILTON. I desire to have printed in the RECORD, without reading, a telegram in the nature of a petition.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

CHARLESTON, W. VA., February 3, 1917.

Hon. W. E. CHILTON,
Washington, D. C.:

The Johnston Bird Club at its last meeting unanimously adopted a resolution asking you to support Senate bill No. 7858, known as the migratory-bird treaty act. We are doing all we can to protect bird life in this State.

ROBERT LEE SELL,
President.

Mr. CHILTON. I have received a telegram from Harry Cutler, chairman of the commission on immigration, urging support of the President's veto of the Burnett immigration bill, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., February 4, 1917.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.:

The delegates of district No. 1, Independent Order B'nai B'rith, in convention assembled, earnestly urge you to sustain the President's

veto of the Burnett immigration bill. It is not a test of character and is un-American. While it bars many desirable immigrants, it does not prevent the admission of undesirables.

HARRY CUTLER,
Chairman Commission on Immigration.

Mr. CHAMBERLAIN. I desire to present three separate joint memorials addressed to the Congress of the United States by the Legislative Assembly of the State of Oregon, and I ask that they be printed in the RECORD.

The joint memorials were ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 11.

Memorial to the Congress of the United States of America:

Whereas there is now pending in the Congress of the United States legislation designed to encourage the development of the water-power resources of the Nation; and

Whereas the State of Oregon and other Western States are blessed with bountiful natural resources, largely undeveloped, among which is water power; and

Whereas, although water power in said States is available in abundance, only a very small percentage has been developed; and

Whereas numerous water-power sites of large commercial possibilities are located in the public domain or in navigable streams; and

Whereas existing Federal laws and regulations are so inadequate and restrictive that development of water power in the public domain and in navigable streams has practically ceased; and

Whereas electrical power at a cost to justify its use in the conversion of our natural resources into finished, marketable products, in the reclamation of lands at present unproductive, and in the transformation of the motive power of rail transportation is wholly dependent upon the economical production of power on a large scale; and

Whereas the essence of conservation is intelligent and economical utilization of natural resources to serve the economic necessities and desires of our people, and to conserve those natural resources that are exhaustible; and

Whereas the use of exhaustible resources of power and fuel where and when such an inexhaustible resource as water power can be used results in economic waste, which is indefensible when it can be avoided; and

Whereas since legislation necessary to encourage development of water power has been a constant subject of study, investigation, and discussion for years, it is the judgment of your memorialists that the time is at hand for action: Therefore be it

Resolved, That the Legislature of the State of Oregon, in twenty-ninth session assembled, respectfully urges upon the Congress of the United States the absolute and urgent necessity of the development of water power in order that natural resources may be utilized to create new wealth by the settlement of lands, the development of agriculture, the establishment of manufactures of varied nature, and the economy and comfort of rail facilities of transportation may be enhanced, the means of transportation enlarged and made cheaper and traffic congestion relieved by opening to navigation waterways incapable of use because of natural obstructions removable by water-power development in navigable streams, and adequate national defense may be aided, all of which will contribute to the increase and diversification of agriculture, commerce, and industry, and as a consequence promote economic security; and respectfully petitions that Congress at its present session enact legislation that will encourage investment in the development of these resources, consistent with adequate guaranties for the protection and safeguard of the public interest; and be it further

Resolved, That we, your memorialists, however, do not indorse any particular bill now pending before the Congress of the United States; and be it further

Resolved, That our Senators and Representatives in Congress be requested to make every effort to carry out the purposes of the foregoing memorial: And be it further

Resolved, That a copy of this memorial, duly signed by the president of the senate and the speaker of the house and attested by the chief clerks of the two houses, be forthwith forwarded to each of Oregon's Senators and Representatives in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER,
President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

STATE OF OREGON,
HOUSE OF REPRESENTATIVES.

I, W. F. Drager, chief clerk of the House of Representatives of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

W. F. DRAGER,
Chief Clerk House,
Twenty-ninth Legislative Assembly of the State of Oregon.

Senate joint memorial 13.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas a large portion of the State of Oregon is infested with coyotes and other predatory animals and the said predatory animals at all times destroy property of the citizens of Oregon and destroy the wild game and the birds of the State of Oregon; and

Whereas at this time the said animals are affected with rabies and on this account are unusually dangerous and are spreading rabies and by this means causing death among the live stock of all kinds and at times menacing life of the citizens of the State of Oregon and of other Western States; and

Whereas the Biological Survey of the United States Department of Agriculture has been aiding the citizens of the State of Oregon and other Western States in the eradication of rabies and in extermination of predatory animals referred to and have been very successful in the campaign which they have organized, and are able to carry out the said campaign more effectually than the several States have been able to do; and

Whereas the State of Oregon is financially unable to carry on this program for the eradication of rabies in an adequate manner and it is essential that the Biological Survey continue its investigation and efforts in order that the said predatory animals may be exterminated and the money already expended may not be wholly lost: Therefore be it

Resolved by the Senate of Oregon (the House of Representatives concurring). That the Congress of the United States be, and it is hereby memorialized to appropriate at an early date, by special appropriation, adequate funds for the use of the Bureau of Biological Survey of the United States Department of Agriculture in its campaign to prevent the spread of rabies and to eradicate rabies and exterminate wild predatory animals; be it further

Resolved. That after concurrence of the house of representatives herein the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives in Congress from the State of Oregon and to the Secretary of Agriculture of the United States.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER,
President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 13. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof. In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Senate joint memorial 12.

Whereas 12 States of the Union, among which is Oregon, by constitutional amendment or legislative enactments have extended the right of suffrage to women; and

Whereas in those States where such privilege has been exercised it has brought about great improvement in the moral welfare and economic conditions throughout said States; and

Whereas there is now pending in the Congress of the United States a measure known as the Susan B. Anthony amendment to the Constitution of the United States, the purpose of which measure is to propose an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women: Therefore be it

Resolved by the senate (the house of representatives concurring). That the Congress of the United States be, and it is hereby memorialized to take favorable action on said proposed measure; be it further

Resolved. That after the concurrence of the house of representatives herein the chief clerk of the senate be, and he hereby is, instructed to transmit copies of this memorial to the Members of the Oregon delegation in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER,
President of the Senate.
STATE OF OREGON,
SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 12. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. PHELAN presented a petition of the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal., praying for the protection of migratory birds and for the establishment of bird sanctuaries, which was ordered to lie on the table.

He also presented a petition of Ketterlin Bros., of Santa Rosa, Cal., praying for the enactment of legislation to establish 1-cent drop-letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a telegram in the nature of a petition from the Bible class of the First Presbyterian Church, of Wilkes-Barre, Pa., praying for national prohibition during the period of hostilities should war be declared against Germany, which was ordered to lie on the table.

Mr. KENYON presented petitions of the congregation of the First Congregational Church of Cedar Rapids, the Congregational Church of Edgewood, and of sundry citizens of Blairsburg, all in the State of Iowa, praying for national prohibition, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Sioux City and Hamburg, in the State of Iowa, remonstrating against any change in the second-class postal rates, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Des Moines, Iowa, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Des Moines (Iowa) Branch of the National Association of Letter Carriers, praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN. Mr. President, several commercial organizations in the country have recently passed resolutions protesting against the passage of the bill providing for a tax on excess earnings of corporations. I have received a few protests from corporations in my State against the enactment of that legislation, but this morning I have a letter from the manager of the Liberty Light & Power Co., of Richmond, Ind., a corporation with extensive interests in my State, which breathes such a patriotic spirit that I desire to have it read, in order that it may appear in the RECORD.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the letter, as follows:

RICHMOND, IND., January 31, 1917.

HON. JOHN W. KERN,
United States Senator.

DEAR SIR: Referring to the House bill to place a tax of 8 per cent on all excess earnings of \$5,000 or more, our company is in the class that would come under this tax, and we wish to inform you that we will gladly do our part. Indiana is willing to pay her share.

With best regards, we remain,

THE LIBERTY LIGHT & POWER CO.,
R. S. ASHE, President.

REPORTS OF COMMITTEES.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 1007) accompanied by a bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

- S. 1919. William W. Cook.
- S. 1933. Charles Milk.
- S. 2566. William R. Dority.
- S. 2607. Joseph P. Sullivan.
- S. 2861. William H. Merritt.
- S. 2922. William C. Worthen.
- S. 3158. John T. Edson.
- S. 3163. Celestine Lacy.
- S. 3192. Homer T. Barnett.
- S. 3232. Bessie D. Blu.
- S. 3719. Maurice H. Myers.
- S. 4018. Robert H. Cowan.
- S. 4057. Peter Downey.
- S. 4077. Charles H. Craddock.
- S. 4078. Herman L. Shank.
- S. 4110. Clarence A. Hunt.
- S. 4135. Guss E. Gurtz.
- S. 4186. Arthur Leland.
- S. 4187. William H. Jones.
- S. 4264. Victor F. Marshall.
- S. 4314. Joseph O. Dennison.
- S. 4320. Thomas R. Peak.
- S. 4391. Edwin C. Gasque.
- S. 4423. Vernon D. Bennitt.
- S. 4475. Horace M. Patton.
- S. 4529. Robert J. May.

S. 4530. Arthur Isert.
 S. 4535. Elsie M. Duryee.
 S. 4596. Francis M. Moore.
 S. 4638. Charles F. Johnson.
 S. 4754. Lucius V. Hubbard.
 S. 4845. George L. Aldrich.
 S. 4898. Albert G. Daugherty.
 S. 5023. Nanette W. Sheffield.
 S. 5087. Andrew E. Waterman.
 S. 5167. Lewis W. Hill.
 S. 5214. Milton T. Benham.
 S. 5248. Robert O. Dunn.
 S. 5265. George W. Smith.
 S. 5303. Gordon Hinton.
 S. 5365. J. Augustus Thilman.
 S. 5405. Francis Roy.
 S. 5431. Frank G. Schutt, jr.
 S. 5510. James Cunningham.
 S. 5627. Robert M. Watkins.
 S. 5628. Stephen H. Whitman.
 S. 5631. Adelbert R. Burke.
 S. 5791. Mary R. Edwards.
 S. 5844. Wilbur C. Gahret.
 S. 5846. James G. Rollins.
 S. 5862. Frank W. Brown.
 S. 5930. Walter H. Sterling.
 S. 5935. Walter P. Norris.
 S. 5939. Edmond de Jarnac.
 S. 5951. Charles H. Kelley.
 S. 6004. Frank H. Latham.
 S. 6008. Charles William Finley.
 S. 6070. Florence V. Handbury.
 S. 6207. Mary Jane Bowman.
 S. 6233. Durbin L. Badley.
 S. 6276. Mary Battle.
 S. 6280. Mary H. Trimble.
 S. 6319. James Pickett.
 S. 6323. Ander J. Heatley.
 S. 6333. Robert Starkey.
 S. 6346. Alice Hathaway.
 S. 6417. George J. Ham.
 S. 6425. Riddle Wilson.
 S. 6473. Charles M. Way.
 S. 6488. John Safranek.
 S. 6531. Walter K. Neal.
 S. 6553. Robert W. Irvine.
 S. 6605. Eugenia L. Williams.
 S. 6649. Mary B. Orner.
 S. 6674. John W. McCown.
 S. 6719. Henry Ferguson.
 S. 6735. Elizabeth Bellion.
 S. 6770. Arthur H. King.
 S. 6777. Charles H. Bachelder.
 S. 6803. John W. Thomas.
 S. 6866. Fred D. Abbott.
 S. 6877. Mary T. Seay.
 S. 6897. Daniel I. Jelnei.
 S. 6912. Albert S. Clouse.
 S. 6941. Frank J. Conway.
 S. 6958. Leonard P. Kehrmeier.
 S. 6994. Thomas B. Jeffries.
 S. 7009. Bertha C. Pratt.
 S. 7011. Harry C. Chute.
 S. 7043. Emma E. Normoyle.
 S. 7085. Milton M. Lile.
 S. 7109. Anna B. Davis.
 S. 7141. Flora G. Redman.
 S. 7143. Elizabeth J. Anderson.
 S. 7163. Maude Deignan.
 S. 7183. Perry Ryals.
 S. 7230. Bertha M. Shaw.
 S. 7238. Charles A. Dobratz.
 S. 7268. Annie A. Haines.
 S. 7339. Emory C. Powers.
 S. 7479. Lavina A. E. Rogers.
 S. 7515. Letta D. Webster.
 S. 7656. Mary Renfroe.
 S. 7790. Emma E. Barrett.
 S. 7932. Martha P. Johnson.
 S. 8017. William H. Van Name.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 10697) for the relief of S. Spencer Carr, reported it without amendment and submitted a report (No. 1008) thereon.

GRANTING OF INAUGURAL PERMITS (S. REPT. 1009).

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back favorably without amendment the joint resolution (H. J. Res. 358) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect in March, 1917, and so forth, and I ask for its immediate consideration.

Mr. GALLINGER and Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION.

Mr. SMITH of Maryland. From the Committee on Appropriations I report back favorably without amendment the joint resolution (S. J. Res. 157) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment, and I ask for its present consideration.

Mr. GALLINGER. Let the joint resolution be reported.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the reunion of the Confederate Veterans' Association, which will take place in the District of Columbia in the year 1917, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed \$100, and in default of payment of such fine imprisonment in the workhouse or jail of said District for not longer than 60 days. This resolution shall take effect immediately upon its approval, and the sum of \$11,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated, and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said commissioners.

Sec. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the Confederate Veterans' Association to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia; *Provided*, That the said conductors shall not be used for the conveying of electrical currents more than three days after the close of said reunion, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before 10 days after said reunion; *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized; *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia; *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

Sec. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the reunion of the Confederate Veterans' Association, 1917, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States as in their judgment may be spared and are not in use by the Government at the time of the reunion. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place more than 10 days prior to said reunion and shall be returned by him within 10 days from the close of the reunion.

Sec. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of \$50,000 to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

Sec. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Confederate veterans' reunion for the use of any reservation or other public spaces in the city of Washington on the occasion of said reunion which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statutory therein; and the Commissioners of the District of Columbia may designate for

such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Superintendent of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

SEC. 6. That the Secretary of War is hereby authorized to loan to the chairman of the medical department of the citizens' executive committee for said reunion, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of said reunion, such hospital tents and camp appliances and other necessities, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

Mr. GALLINGER. Mr. President, I observe that in that joint resolution the very proper provision is incorporated that the charges for transportation shall be fixed by schedule by the Commissioners of the District of Columbia, as I remember it. I will suggest to the Senator from Maryland [Mr. SMITH], who is taking great interest in the presidential inaugural ceremonies as well as in the pending matter, that I hope in some resolution or bill some authority will be given to some one in the District of Columbia to fix the charges for transportation during the inaugural ceremonies, because I know from knowledge that on some former occasions there have been most exorbitant and outrageous charges imposed upon the people who have come to Washington to attend the inauguration. I think it would be a very commendable thing to provide some such restriction.

Mr. SMITH of Maryland. I think it is a very good suggestion which the Senator from New Hampshire makes, and the probabilities are that there will be some such regulation made.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Maryland subsequently said: For the information of the Senator from New Hampshire and others, I wish to say that the fixing of fares for public conveyances at the inaugural ceremonies was included in the joint resolution I introduced, and which was reported by me and passed a few days ago, providing for the maintenance of public order and the protection of life and property in connection with the inaugural ceremonies. It was not necessary to have it appear in the joint resolution to-day, as it had already been incorporated.

DOCUMENTS RELATIVE TO GEN. WASHINGTON.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment Senate resolution 297, transferring certain papers relating to the death of Gen. Washington from the files of the Senate to the custody of the Librarian of Congress, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to transfer to the custody of the Librarian of Congress the following documents, which are now in the files of the Senate, namely:

The message of President John Adams, December 19, 1799;
Letter of Tobias Lear to the President, December 15, 1799;
Address of the Senate to the President, December 23, 1799, and the answer of the President, December 23, 1799;
Address of the House to the President, and his answer, December 19, 1799;

Message of the President, January 8, 1800; and
A letter of Martha Washington to the President, December 31, 1799;
All pertaining to the death of Gen. Washington.

PORTRAIT OF JOSEPH HENRY.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment Senate resolution 334, authorizing the Sergeant at Arms of the Senate to transfer the portrait of Joseph Henry from the office of the Sergeant at Arms to the Smithsonian Institution, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to transfer to the Smithsonian Institution the portrait of Joseph Henry, the first Secretary of that Institution, now hanging in the office of the Sergeant at Arms of the Senate.

DAUGHTERS OF 1812.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment the joint resolution (H. J. Res. 230) authorizing the National Society, United States Daughters of 1812, to file its historical material in the

Smithsonian Institution and to make annual reports to the secretary thereof, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock.

Mr. GALLINGER. Let the morning business first be completed. I have been waiting for some time.

Mr. SHAFROTH. Very well.

PUBLIC BUILDING AT STAMFORD, CONN.

Mr. MARTINE of New Jersey. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 8062) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford, Conn., and I ask unanimous consent for its immediate consideration. I call the attention of the Senator from Connecticut [Mr. BRANDEGEE] to the report.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as follows:

Be it enacted, etc., That not exceeding \$5,000 of the unexpended balance of appropriation heretofore made for the acquisition of a site and the erection of a post-office building at Stamford, Conn., be, and the same is hereby, made available for the acquisition by purchase, condemnation, or otherwise, of such land as the Secretary of the Treasury may deem necessary for the enlargement of said site so as to provide better accommodations for the transaction of the postal business.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. Mr. President, I ask permission at this point to have inserted in the RECORD a letter received from the Secretary of the Treasury in relation to the matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

—
TREASURY DEPARTMENT,
Washington, January 26, 1917.

HON. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: An informal message from the Post Office Department to-day stated that you had inquired whether that department would take the initiative in obtaining an authorization from Congress for the enlargement of the Federal building site at Stamford, Conn., and that that department had stated it was a matter for the Treasury Department's attention.

The custodian of the Federal building had already brought to this department's attention the necessity for additional land, and the Comptroller of the Treasury had been asked whether existing legislation would permit the enlargement of the site. The comptroller has just decided that additional legislation is necessary to authorize the department to buy more land, notwithstanding there remains of the limit of cost for said building sufficient money to pay for such enlargement if authorized.

From the representations of the custodian it is apparent that more land should be acquired to provide properly for the transaction of the postal business. This department, therefore, would be gratified if you would undertake to obtain the required legislative authority. A draft of what would probably be sufficient is inclosed.

Respectfully,

B. R. NEWTON,
Assistant Secretary.

—
TREASURY DEPARTMENT,
Washington, January 30, 1917.

HON. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: Receipt is acknowledged, by reference from the Post Office Department, of certain correspondence had with you relative to the matter of the acquisition of additional land adjacent to the Federal building site at Stamford, Conn.

A draft of bill providing for the above was forwarded to you by this department the 26th instant, together with the views of the department regarding this matter.

The correspondence is returned herewith as requested.

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

—
POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, January 26, 1917.

HON. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: I am to-day in receipt of the papers forwarded to this bureau by you relative to the advisability of acquiring additional land adjacent to the Federal building at Stamford, Conn. As this matter is under the jurisdiction of the Treasury Department, I

have taken the liberty of forwarding them to that department, with the request that they be returned to you after they have served their purpose.

The postmaster has been called upon for a full report regarding the project, and when it is received an appropriate recommendation will be submitted to the Treasury Department.

Very truly, yours,

J. C. KOONS,
First Assistant Postmaster General.

Be it enacted, etc., That not exceeding \$5,000 of the unexpended balance of appropriations heretofore made for the acquisition of a site and the erection of a post-office building at Stamford, Conn., be, and the same is hereby, made available for the acquisition, by purchase, condemnation, or otherwise, of such land as the Secretary of the Treasury may deem necessary for the enlargement of said site so as to provide better accommodations for the transaction of the postal business.

BATTLE FIELD OF GUILFORD COURTHOUSE.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 8229) to establish a national military park on the battle field of Guilford Courthouse. I ask unanimous consent for the present consideration of the bill.

Mr. OVERMAN. Mr. President, I hope unanimous consent will be given. The committee has stricken out the appropriation. The battle field of Guilford Courthouse, of course, is historic ground. The bill passed the House unanimously after a speech had been made by "Uncle Joe" CANNON, who was born near this battle ground. It is one of the most historic spots in America. Some 40 or 50 patriotic citizens of North Carolina have established this park at their own expense, built roads, and beautified it. There are many monuments there now, and all that is asked is that the Government take over the park and protect it. I hope there will be no objection to the immediate consideration of the bill.

Mr. WADSWORTH. Do I understand that the Senator from North Carolina asks unanimous consent for the immediate consideration of the bill?

Mr. DU PONT. I have asked unanimous consent.

Mr. OVERMAN. The bill comes with a unanimous report from the committee.

Mr. WADSWORTH. Let me ask the Senator whether it has been the policy of the Government to take over such battle fields generally?

Mr. OVERMAN. The Government has taken over some. The Gettysburg battle field has been taken over, and there are many others which also have been taken over, but whether the Government has taken over battle grounds generally I do not know. The Battle of Guilford Courthouse is historic and is recognized now as having been the turning point in the Revolutionary War. As I have stated, a number of patriotic citizens of North Carolina have made a park of this place. It only embraces 125 acres of ground, and a number of monuments are already erected there.

Mr. DU PONT. Mr. President, I desire to say to the Senator from New York that Congress has already appropriated a handsome sum for an equestrian statue of Gen. Greene, which has been erected on the battle field at Guilford Courthouse. This battle field is of special importance and interest, as it was the scene of some of the hardest fighting during the Revolutionary War. I think it would be a highly proper thing to pass this bill. It only provides for putting the ground under the care of the Secretary of War and allowing him to take charge of it. There is no appropriation attached to the bill as amended by the Senate Military Committee.

Mr. WADSWORTH. Mr. President, I know it is not a pleasant thing to call attention to a bill of this sort in a hostile manner. I realize, of course, the tremendous importance of the contest that occurred upon this ground, and I for one appreciate the generosity of the people of that community who have purchased the land and now offer it to the Government free of charge.

Mr. OVERMAN. Mr. President, I want to inform the Senator that this tract was purchased about 30 years ago. They have furnished the money for it, built roads through it, beautified it, and there are now a large number of monuments there. Among them are two monuments which the Government erected—a beautiful monument to Gen. Greene and a monument to Gen. Nash, who was killed at Germantown, with which the Senator is very familiar. The Government has an interest in it, and all we want to do is for the Government to have a caretaker there to look after it. There is scarcely any money at all involved in it. It is only 125 acres of land; and, as I say, the Government already has this great monument there to Gen. Greene, one of the most beautiful monuments in the country; also one to Gen. Nash and one to Gen. Davidson, who fell at Cowans Ford. I think the Government has such an interest in the battle field that it ought to

take it over, and I hope the Senator will not object to the consideration of the bill.

Mr. WADSWORTH. Do I understand that these monuments are already erected?

Mr. OVERMAN. Yes; they are already erected and paid for. Mr. WADSWORTH. Are the monuments now in the care of the Federal Government?

Mr. OVERMAN. No; they are not. That is what I think we ought to do—have a caretaker there to look after them and superintend the grounds. There is no appropriation asked for in this bill.

Mr. WADSWORTH. Of course that will appear later.

Mr. OVERMAN. I suppose that is provided for now in the general fund for the maintenance of parks, and so forth. It does not require an appropriation. It may require an appropriation of \$1,000 or \$2,000, or something like that, I do not know; but this bill does not provide for any, because the Secretary of War has informed the committee that he can take it over. These great monuments there, as I say, to Gen. Greene and Gen. Nash, ought to be cared for by this great Government. We have spent the money there; the monuments are all finished, and have been unveiled and dedicated.

Mr. WADSWORTH. Mr. President, in view of the fact that the Federal Government has already assisted in the erection of monuments upon this battle field, and as I understand the Senator from North Carolina to say that they are now in charge of the Federal Government, I shall not press the objection at this time to the proposition that the Government shall take over the battle field; but I do desire to call the attention of the Senator from North Carolina and other Senators who may be interested—

Mr. OVERMAN. I do not want to say that the Federal Government now has charge of them. The Senator misunderstood me. I said that the Federal Government has erected the monuments I mentioned, and a few patriotic gentlemen have charge of this tract now, and they want to dedicate it to the Government. Besides these monuments there are various private ones. It is a great place for having Fourth of July and other patriotic celebrations. I think the Federal Government is interested in it.

Mr. GALLINGER. Mr. President, if the Senator from New York will permit me, I will ask the Senator from North Carolina if all these monuments were authorized and paid for by the General Government?

Mr. OVERMAN. Not one of them, except, as I have stated, those to Gens. Greene, Nash, and Davidson. All others were paid for at private expense.

Mr. GALLINGER. So that if some of us who think that Stark's monument ought to be on every battle field of the Revolution should take a notion to have his monument there, we would have an opportunity?

Mr. OVERMAN. I should like to see a monument there to the great man from Delaware who was the hero of that great battle; and from Rhode Island there was Gen. Greene, and others from Virginia and Maryland did some great work there. I should like to see some monuments erected there by other States; but we are not asking for that at present.

Mr. DU PONT. Mr. President, I will say to the Senator from New York that the people of Delaware are very deeply interested in this battle field.

Mr. WADSWORTH. I yield to the Senator from Delaware.

Mr. DU PONT. In the Revolutionary War the Continental troops from the State of Delaware immortalized themselves on that battle field.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. WADSWORTH. Mr. President, before withdrawing the objection, I simply desire to call the attention of Senators who are interested in this matter to the fact that it will be found, as years go by, that there are many, many battle fields all over the United States which will suddenly acquire tremendous importance, and an effort will be made, very naturally, and perhaps very properly, to have the Federal Government take them over.

My attention has been called to this prospect very recently by reason of the fact that there are at least two very large and important communities in the State of New York who purpose requesting the Federal Government to take over battle fields. One is the battle field of Oriskany, on the Mohawk River, at which there was fought during the War of the Revolution a contest certainly of equal importance with that fought at Guilford Courthouse, and probably more so. Another project has been brought to my attention for the Federal Government to take over a battle field near the city of Elmira, in the southern portion of the State of New York; and I have no doubt that if the Federal

Government once embarks upon the policy of taking over battle fields upon which it is alleged that contests of great and far-reaching importance were waged, there will be no end to it.

I am in complete sympathy, of course, with the generous purpose expressed by the Senator from North Carolina and the people of that community who have done so much to erect permanent memorials upon that particular battle field; but I want to call the attention of the Senate to the fact that propositions of this sort are not exactly in the same class as that involved at Gettysburg or at Chattanooga, which were made great national cemeteries and around which have grown up great memorials of a strictly national character.

In view of the fact that, as the Senator from North Carolina says, the Federal Government has already erected one monument upon this particular battle field, I shall not press an objection at this time to this bill. I shall, however, upon the general policy of acquiring battle fields, insist that the Senate understand the prospect.

Mr. POMERENE. Mr. President, in view of the suggestions made by other Senators, I desire also to remind the Senate that there are a number of battle fields in Ohio in which patriotic societies are interested. I am referring to the battles with the Indians; but that was not what I rose to speak about. At the present time there is no suitable monument erected to the memory of the first President Harrison. I have a bill for this purpose pending now before the Senate, and at the proper time I hope to ask for a suitable appropriation to erect a monument to his memory. If these matters are to be taken up at this particular time or in the near future, I hope that we shall not forget the first President Harrison.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Military Affairs, with amendments.

The first amendment was, on page 5, after line 5, to strike out sections 4 and 5, as follows:

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by him, one of whom shall be a resident of Guilford County, State of North Carolina; such resident commissioner shall be chairman of the board so appointed and shall also act as secretary of the commission. Said commissioners shall have an office in the city of Greensboro, State of North Carolina, and shall be paid such compensation as the Secretary of War shall deem reasonable and just, not to exceed, however, \$2,000 per annum for the resident commissioner and \$500 each per annum for the nonresident commissioners.

SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert as a new section the following:

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War, in establishing this military park, is authorized to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

The amendment was agreed to.

The next amendment was, on page 6, line 10, to change the number of the section from 6 to 5.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the words "Secretary of War," to strike out "which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park," so as to make the section read:

SEC. 5. That it shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the

position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, line 23, to change the number of the section from 7 to 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, and I submit a report (No. 1010) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 6, after the words "Mississippi River," to insert "at a point suitable to the interests of navigation"; at the end of the bill to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906"; and to add a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the county of Morrison, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in section 8, township 127 north, range 29 west of the fifth principal meridian, and section 32, township 39 north, range 32 west of the fourth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHEYENNE INDIAN RESERVATION.

Mr. JOHNSON of South Dakota. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 5648) authorizing and directing the Secretary of the Interior to furnish certain information relative to the employment of members of the Lower Yanktonai Tribe and Two Kettle Band of the Cheyenne Indian Reservation, S. Dak., as scouts in 1863, and I submit a report (No. 1011) thereon, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for compensation of Fast Walker, D. K. How, and Not Afraid of Bear, all of the Crow Creek Reservation, S. Dak., for services rendered while acting as scouts under Gen. Sully and Lieut. Col. John Pattee in the year 1863, the sum of \$150 each; in all, \$450.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Fast Walker, D. K. How, and Not Afraid of Bear."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 8121) to provide for the application of the reclamation law to irrigation districts; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. WADSWORTH:

A bill (S. 8122) providing for the erection and completion of a public building in the Borough of The Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. POMERENE:

A bill (S. 8123) to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes; to the Committee on Interstate Commerce.

By Mr. GALLINGER:

A bill (S. 8124) granting an increase of pension to Henry S. Silsby (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 8125) granting an increase of pension to George W. Gray; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8126) to extend the time for the cutting of timber on the Coconino and Tusayan National Forests in Arizona; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 8127) granting an increase of pension to Dennis W. Riordan (with accompanying papers);

A bill (S. 8128) granting an increase of pension to John H. Wells (with accompanying papers); and

A bill (S. 8129) granting an increase of pension to Lewis Seymour (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 8130) granting an increase of pension to Robert Johnston; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8131) granting an increase of pension to Samuel H. Brooks;

A bill (S. 8132) granting an increase of pension to Emma C. Hill (with accompanying papers); and

A bill (S. 8133) granting an increase of pension to Andrew Reese (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 8134) for the relief of John C. Hall (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8135) granting a pension to Susan J. St. John;

A bill (S. 8136) granting a pension to David Feighny;

A bill (S. 8137) granting a pension to Malinda Kiniston (with accompanying papers);

A bill (S. 8138) granting an increase of pension to Thomas Carpenter Moore (with accompanying papers);

A bill (S. 8139) granting an increase of pension to Davis B. Wilcoxson (with accompanying papers);

A bill (S. 8140) granting an increase of pension to Ephraim Briggs (with accompanying papers);

A bill (S. 8141) granting an increase of pension to Andrew F. Maxwell (with accompanying papers);

A bill (S. 8142) granting an increase of pension to Joseph McCoy (with accompanying papers); and

A bill (S. 8143) granting a pension to Josephine Mater Roberds (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 8144) directing the Interstate Commerce Commission to supervise and direct the leasing of certain real estate owned or controlled by railroads and electric interurban railways engaged in the transportation of interstate business; to the Committee on Interstate Commerce.

By Mr. JOHNSON of Maine:

A bill (S. 8145) granting an increase of pension to Charles Willey (with accompanying papers);

A bill (S. 8146) granting a pension to Sadie E. Devault (with accompanying papers); and

A bill (S. 8147) granting an increase of pension to John W. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 8148) to define and punish espionage; to the Committee on the Judiciary.

By Mr. JAMES:

A bill (S. 8149) granting a pension to Isaac F. Allen (with accompanying papers);

A bill (S. 8150) granting an increase of pension to William H. Kelsay (with accompanying papers); and

A bill (S. 8151) granting a pension to John Magowan (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 8152) granting an increase of pension to Samuel E. Palmer; to the Committee on Pensions.

Mr. Mr. WADSWORTH:

A joint resolution (S. J. Res. 207) amending Article V of the Constitution of the United States by providing that, to be ef-

fective, amendments to the Constitution shall be ratified within six years; to the Committee on the Judiciary.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. RANDELL submitted three amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE REVENUE.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LEWIS submitted eight amendments intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which were referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. PENROSE submitted an amendment providing that all employees of the Metropolitan police department of the District of Columbia shall receive 30 days' annual and 30 days' sick leave with pay in any one calendar year, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to lie on the table and be printed.

RELATIONS WITH GERMANY.

Mr. STONE. Mr. President, I offer the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 351), as follows:

Whereas the President has, for the reasons stated in his address delivered to the Congress in joint session on February 3, 1917, severed diplomatic relations with the Imperial German Government by the recall of the American ambassador at Berlin and by handing his passports to the German ambassador at Washington; and

Whereas notwithstanding this severance of diplomatic intercourse the President has expressed his desire to avoid conflict with the Imperial German Government; and

Whereas the President declared in his said address that if in his judgment occasion should arise for further action in the premises on the part of the Government of the United States he would submit the matter to the Congress and ask the authority of the Congress to use such means as he might deem necessary for the protection of American seamen and people in the prosecution of their peaceful and legitimate errands on the high seas: Therefore be it

Resolved, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress as above stated.

Mr. STONE. Mr. President, I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there any objection?

Mr. OLIVER. Mr. President, of course not intending to object, but, feeling that this is a matter of extreme importance, and that the vote should be as emphatic as possible, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Curtis	Hardwick	Johnson, S. Dak.
Bryan	Dillingham	Hollis	Jones
Chamberlain	du Pont	Hughes	Kenyon
Clapp	Gallinger	Husting	Kern
Clark	Gronna	James	Kirby
Colt	Harding	Johnson, Me.	La Follette

Lewis	Poindexter	Smith, Ga.	Townsend
Lodge	Pomerene	Smith, Md.	Wadsworth
McCumber	Robinson	Smith, Mich.	Walsh
Martin, Va.	Saulsbury	Smith, S. C.	Watson
Martine, N. J.	Shafroth	Smoot	Weeks
Norris	Sheppard	Sterling	Williams
Oliver	Sherman	Stone	Works
Page	Shields	Thompson	
Pittman	Simmons	Tillman	

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] and the Senator from Louisiana [Mr. BROUSSARD] on account of illness. I ask that this announcement may stand for the day.

Mr. PITTMAN. I announce the absence of the senior Senator from Nevada [Mr. NEWLANDS], who is confined to his residence by illness.

Mr. CLARK. I wish to announce that the Senator from North Carolina [Mr. OVERMAN], the Senator from West Virginia [Mr. CHILTON], the Senator from Missouri [Mr. REED], the Senator from Minnesota [Mr. NELSON], the Senator from Utah [Mr. SUTHERLAND], the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Iowa [Mr. CUMMINS], and the Senator from Texas [Mr. CULBERSON] are absent on business of the Senate.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. STONE. Mr. President, I have been requested by Senators to allow the resolution to go over until to-morrow morning; and that there may be no objection to my request for present consideration, I will myself ask that it lie over until to-morrow.

The VICE PRESIDENT. The resolution will lie over, under the rule, until to-morrow.

THE PATENT OFFICE.

Mr. GALLINGER. When the legislative, executive, and judicial appropriation bill was under consideration there was an amendment offered to it directing the Committee on Patents to make an investigation of the Patent Office. I supposed that that was a movement in the nature of a grievance, and as I have great confidence in the Commissioner of Patents, I made an objection, which took the amendment out of the bill. I have since learned that the sole purpose of the amendment was to give the Committee on Patents authority to look into the needs of the Patent Office, which I happen to know are imperative. As I can not restore the item to the legislative, and so forth, appropriation bill, I submit a resolution, which I ask unanimous consent to have considered at the present time.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 350) was read, as follows:

Resolved, That the Committee on Patents be, and it is hereby, directed to investigate the needs of the Patent Office respecting both its force and its equipment and to report to the Senate at the opening of the next session of the Congress.

Mr. JAMES. Mr. President, I know that what the Senator from New Hampshire states is true, because the Commissioner of Patents himself came to me with the amendment which I gave to the Senator from North Carolina [Mr. OVERMAN] and asked him to present. Its purpose was to ascertain the needs and requirements of the Patent Office. I think the resolution ought to be passed.

The resolution was considered by unanimous consent and agreed to.

NOMINATION OF DR. CARY T. GRAYSON.

Mr. POINDEXTER. I ask that the resolution I offered on Friday last be laid before the Senate.

The VICE PRESIDENT. The Chair would inquire whether the resolution was not offered in executive session?

Mr. POINDEXTER. It was not, in this sense, that unanimous consent was granted that it should be offered as in legislative session.

Mr. JAMES. I think the Senator is mistaken about that. I think the Senator rose to offer it, and did offer it without any request of that sort.

Mr. POINDEXTER. No; the Senator from Kentucky is mistaken.

Mr. JAMES. I do not think so.

Mr. CHILTON. There is nothing in the RECORD about it.

Mr. JAMES. I was watching the matter pretty closely, and I remember very accurately, I think, as to what occurred.

Mr. CHILTON. There is nothing in the RECORD to show that it was offered.

Mr. JAMES. The RECORD does not disclose that it was offered in legislative session. Of course, the Senate speaks only by its RECORD.

Mr. POINDEXTER. It could not have been offered very well for the purpose I have in view in any other way. I have

the most distinct recollection of having offered the resolution, accompanied by the request that it be considered as in legislative session.

The VICE PRESIDENT. Does the RECORD show it?

Mr. POINDEXTER. I do not know whether there is any record of it or not.

The VICE PRESIDENT. There would be if offered as in legislative session.

Mr. POINDEXTER. Not necessarily.

Mr. WILLIAMS. If in executive session the Senator might move as in legislative session that it be so considered, but we are not in executive session and it is out of order.

The VICE PRESIDENT. That is not the point. The point is whether it was submitted heretofore as in legislative session.

Mr. WILLIAMS. That does not change the situation.

The VICE PRESIDENT. If permission was granted, it does.

Mr. WILLIAMS. But it was not.

The VICE PRESIDENT. That is what the Chair is trying to find out.

Mr. POINDEXTER. I do not know whether the Senator from Mississippi was present or not, but permission was granted by unanimous consent for the introduction of the resolution as in legislative session.

Mr. WILLIAMS. It may be that I am mistaken, but I do not so understand it. Of course, if the Senate in executive session gave permission for its introduction in legislative session, then the Senator has the right, but my recollection is that that was not done. I may be mistaken.

Mr. POINDEXTER. The Senator might very well not have heard that. There was a colloquy, if I may be permitted to refer to it in the most general way, between the Senator from Georgia and myself upon my request that the matter go over under the rule until the next legislative day. The first statement which was made in connection with the resolution was that it be introduced as in legislative session. I asked unanimous consent to introduce the resolution as in legislative session, and the inquiry was made by the Secretary to know what was to be done with it. I stated at that time that it would go over one day under the rule. Those were the exact proceedings. Of course there is no record of it, because there was no reporter present, but it was not an executive matter. It was not submitted as an executive matter. It was submitted on the assumption that under Rule XXXVI, section 2, a motion or resolution is in order to proceed to executive business in open session, and that the resolution is in order in open session as a part of legislative business.

Mr. WILLIAMS. I understood the Senator to make that request, but I did not understand that the Senate passed the resolution in executive session; and unless the Senate in executive session did pass the resolution which he offered, which was that this matter should be considered in legislative session, then it can not be so considered.

Mr. POINDEXTER. In view of the fact that there is a controversy about that matter, at the suggestion of one of my colleagues I will withdraw the request which I have just made, and I will submit the resolution now in legislative session, and ask that it go over under the rule and lie on the table until to-morrow.

Mr. WILLIAMS. I merely want to give notice to the Senator that when the Senator calls up the resolution for consideration I shall, of course, move to go into executive session to consider it.

The VICE PRESIDENT. The Senator from Washington offers a resolution, which will be read.

The Secretary read the resolution (S. Res. 352), as follows:

Resolved, That further consideration of the nomination of Cary T. Grayson to be medical director, with the rank of rear admiral, in the Navy shall be in open executive session.

The VICE PRESIDENT. The resolution goes over under the rule.

NIGHT SESSION FOR THE CALENDAR.

Mr. ROBINSON. Mr. President, I desire to submit a request for unanimous consent. I ask unanimous consent that on to-morrow, February 6, the Senate take a recess at not later than 6 o'clock p. m. to 8 o'clock p. m., and that upon the reconvening of the Senate at 8 o'clock it shall be in order to resume the consideration of the calendar under Rule VIII at Calendar No. 802, and that the Senate take a recess at not later than 11 o'clock p. m. until 11 o'clock the following morning.

The VICE PRESIDENT. Is there any objection?

Mr. BRANDEGEE. Is that for unobjected bills only?

Mr. SIMMONS. I did not understand the Senator. Is that a request for to-night or to-morrow night?

Mr. ROBINSON. To-morrow night.

The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. Before I give my consent I should like to know whether the request includes unobjected bills only?

Mr. ROBINSON. Unobjected bills on the calendar under Rule VIII.

Mr. JAMES. Let me ask the Senator why he proposes to commence with Order of Business No. 802?

Mr. ROBINSON. That is where we left off the last night when the Senate had under consideration the calendar. If we do not do that, the probabilities are that we will never be able to reach the unobjected bills which are far down on the calendar.

Mr. JAMES. There are some bills, I suggest to the Senator, to which objection was made for reasons which can be entirely cleared up.

Mr. ROBINSON. The Senator can recur to them by unanimous consent.

Mr. JAMES. Very well.

Mr. GALLINGER. It ought to be the understanding that that can be done.

Mr. ROBINSON. Yes; there will be no objection.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Does the proposed agreement provide for a recess at not later than 11 o'clock to-morrow night?

Mr. ROBINSON. At not later than 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, I desire to give notice that on Wednesday morning, immediately after the close of the routine morning business, I will address the Senate on our relations with Germany.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for 8 o'clock to-night.

Mr. SMOOT. Will the Senator couple with that the request that no other business shall be considered?

Mr. SHAFROTH. Mr. President, I am between two fires. One Senator is saying that if one thing is inserted in the agreement he will object and another Senator is intimating that if it is not in he will object. I call the attention of the Senator from Mississippi [Mr. WILLIAMS] to the fact that the Senator from Utah is requesting that nothing further be done during the night session than the consideration of the Porto Rican government bill.

Mr. WILLIAMS. Mr. President, I am perfectly willing that that bill shall be made the special order, to begin at the time referred to by the Senator from Colorado, but if that is done no other business could be transacted, except upon a vote of the Senate displacing that bill. I am not, however, willing that by a unanimous-consent agreement—which itself could not be set aside under the ruling of the Chair, even by unanimous consent—anything should be taken up to the exclusion positively of all other possible business. I think the Senator from Utah will upon reflection agree with me. We are in a pretty acute situation; there is no telling what may arise at any moment, and the Senate ought not to adopt a unanimous-consent agreement to consider any legislation to the exclusion of other possible business, even of the most vital importance.

Mr. JAMES. An exception might be made as to emergency legislation.

Mr. WILLIAMS. If the request is worded in a way to except emergency legislation, I shall not object to it.

Mr. SHAFROTH. I am willing to have the request worded in that way.

Mr. SMOOT. I shall be content if the unanimous-consent agreement be worded in such way that the only exception will include special and emergency cases.

Mr. WILLIAMS. Then let the wording of the unanimous-consent agreement be in that way. As I now understand, the request of the Senator from Colorado [Mr. SHAFROTH] is that the Porto Rican government bill shall be made the special order at 8 o'clock to-night, to the exclusion of all other business, except possible special emergency legislation.

Mr. SHAFROTH. I accept that suggestion, Mr. President.

The VICE PRESIDENT. Is there objection to the request for unanimous consent?

Mr. JONES. Mr. President, I have no special objection to the Porto Rican bill, but I desire to notify the Senator from Colorado and the Senate that if legislation of that kind is to be considered to-night there will have to be a quorum here when the session begins.

Mr. SHAFROTH. I hope the Senator from Washington will not make that condition.

Mr. JONES. Why not? If we are going to hold night sessions, why should we not have a quorum of the Senate here to do business?

Mr. SHAFROTH. The reason is that there are not enough Senators interested in the measure to come here at night.

Mr. JONES. If unanimous consent is given, I want it understood that it is given on that condition.

Mr. SHAFROTH. I ask the unanimous-consent agreement to which I have referred, and I will try to induce the Senator to change his position.

The VICE PRESIDENT. There seems to be no objection.

Mr. JONES. The Senator from Colorado had better not make that statement, or he may have more trouble in getting a quorum.

Mr. SHAFROTH. Mr. President, I ask that the Senate at half past 5 o'clock take a recess until 8 o'clock this evening.

Mr. SMOOT. I suggest that the Senator word his request that the Senate take a recess not later than at half past 5 o'clock.

Mr. SHAFROTH. That the Senate take a recess not later than half past 5 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none.

INTERFERENCE WITH NEGOTIATIONS WITH FOREIGN POWERS.

Mr. BRANDEGEE. Mr. President, in view of the tendency which certain private citizens seem to have to meddle with the negotiations of our Government with foreign powers, I send to the Secretary's desk and ask to have read sections 5 and 9 of the Penal Code.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign Government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than \$5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign Government or the agents thereof for redress of any injury which he may have sustained from such Government or any of its agents or subjects.

SEC. 9. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, State, colony, district, or people, in war, by land or by sea, against any prince, State, colony, district, or people, with whom the United States are at peace, shall be fined not more than \$2,000 and imprisoned not more than three years.

The VICE PRESIDENT. Is there further morning business? If not, the morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby; and

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia; and

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.

REGULATION OF IMMIGRATION—VETO MESSAGE.

The Senate proceeded to reconsider the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, which had been vetoed by the President of the United States.

Mr. REED. Mr. President, I desire to call attention to the President's veto of the immigration bill, and I most sincerely hope that I can, for at least a few moments, engage the attention of the Senate, not to the old questions that have been discussed but to some suggestions that have since been made and some events that have since occurred which I think at this particular crisis of public affairs demand very serious thought.

Mr. President, the bill as passed contains this language in the excluding clause:

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I want to get your attention to the words—

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

We have a treaty with Japan and a "gentlemen's agreement," so called, with Japan. It is a part of that "gentlemen's agreement" that the Government of Japan will not permit certain classes of Japanese to emigrate to the United States. That is a condition of exclusion carried out through the Japanese Government, but it is nevertheless a condition of exclusion.

Now, I want the Senators to know the fact before they vote; that the Japanese ambassador has already called the attention of our State Department informally to the language of the bill which I have read. The fear is expressed that it constitutes a legislative exclusion of those citizens of Japan who are now excluded by the "gentlemen's agreement"; in other words, that instead of allowing that exclusion to rest upon the "gentlemen's agreement" we have added a legislative prohibition. I am authorized by the State Department to say to the Senate that the Japanese Embassy has called attention to this language and that the State Department feels that the clause may be the occasion of some misunderstanding. The State Department is exceedingly desirous that nothing shall be done which will cause the Japanese Government to feel that we have in any way impinged upon the understanding which now exists. Notice that the language is:

No alien now in any way excluded shall be admitted to the United States.

The exclusion of the Japanese citizen now is by virtue of the act of the Japanese Government, but he is nevertheless excluded by that action; and if this bill becomes a law it could be well said that the case of the Japanese citizen was covered by it, because the language is so broad, comprehensive, and sweeping as to embrace in the legislative exclusion every man who is now in any manner prevented from coming to the United States.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I understand the contention of the Senator from Missouri to be that the Japanese Government prefers to have this rest exclusively upon the "gentlemen's agreement," so called?

Mr. REED. Well, I do not like to answer the question in just that form, because I do not want to assume to speak for the Japanese Government. I am, however, at liberty to say that it has called attention to this language, and I am, of course, at liberty, as we all are, to construe the language. What I am arguing is that there is a reasonable ground for the claim that language so broad and sweeping might embrace all those who are now excluded from any cause or for any reason or by any means and hence would exclude the Japanese because they are now excluded, albeit, by the action of their own Government.

Mr. BORAH. Mr. President, if I am not in error, the Senator who has charge of this bill stated that the agreement which the conferees had reached with reference to this particular clause was satisfactory all around. If I remember correctly, that was stated upon the floor. I may be in error, however.

Mr. REED. I can not answer the Senator as to whether that statement was made or not, because, of course, I did not hear all that the Senator in charge of the bill said by any means, for I was not here during all of the time. The Senator who was in charge of the bill is not here this morning; indeed, there are very few here, as is usually the case. But I lay it hard upon the conscience and patriotism and intelligence of Senators whether at this particular juncture of affairs we desire to do anything that may in the slightest degree tend to disturb the amicable relations that now exist between this country and a country with which we have no serious controversies.

The State Department regards this as important, so important, indeed, that the Third Assistant Secretary of State called my attention to it this morning, and asked me to lay it before the Senate. I regard it as important.

I do not know whether or not the Senate is so determined to pass this bill that it will do so regardless of all consequences.

I do know that at this particular juncture of international affairs sober thought and reflection ought to be the rule with reference to every matter touching our foreign relations. I am unwilling at this hour, big with the world's fate, to do anything that will by any possibility weaken or impair the friendly relations existing between our country and a country which has given to us no offense.

I know how dear this bill is to certain Senators. I know that a feeling has been growing up in our country for many years that too many people are coming to our shores who are not fit for American citizenship. With that sentiment I have been in absolute accord. But there have been differences of opinion as to how the end desired was to be accomplished. The bill that is before us is an unsound and illogical measure. Nevertheless, it has been pushed through, with all its unsoundness and with all its lack of logic, simply because there is an earnest desire to accomplish the end of limiting improper immigration to the United States. We are acting upon this measure much in the same spirit that men might act if they were obliged to accept this particular bill or obtain nothing, whereas we have the absolute power at any time to pass such a bill which will bring the desired result and yet be free from the faults which impair the present measure.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I am much in sympathy with the attitude of the Senator from Missouri, but I do not desire to see the record closed on his view of the Japanese situation without suggesting to him that this especial favor which is extended by the President of the United States to the Japanese Government might still be accorded to the Japanese Government, if the Executive were so disposed, after the passage of this law. It is a very radical departure from the present law. The Japanese Government have simply assumed to visé or issue the passports of their citizens who sought to come to the United States, and to that extent they have controlled immigration to the United States; but if the present laws and treaties were effective I hardly believe they would have the latitude which they now have by the so-called gentlemen's agreement.

As to the wisdom of that agreement, I am not going to say; but if the law and the treaties could be overlooked or set aside, or their enforcement suspended by Executive favor, it can be done after the passage of this bill, if it should pass. I have never been very enthusiastic about it. I think it is most inopportune now, I will say to the Senator.

Mr. REED. I think the Senator misses the point that I tried to state, and which perhaps I was unfortunate in not stating clearly. This, as I understand, is the view of the Japanese Embassy, as expressed in an informal conference with the State Department: That a treaty exists between the United States and Japan under which its citizens have the right to enter the United States; that an attempt was made to deny the Japanese the right to enter; that thereupon the Japanese Government insistently urged their rights under the treaty and protested against the enactment of any exclusion law. However, what is known as a gentlemen's agreement was arrived at, by which the Japanese Government in effect said: "If the United States will refrain from enacting an exclusion law, we will take care of the matter; we will ourselves exclude the immigration from Japan to which you object."

Now, the Japanese Government is willing to stand upon that. Mr. President, the Senator from Massachusetts [Mr. LODGE] has one-half of my audience. [Laughter.] I want to wait until it is released.

Mr. BORAH. I will say to the Senator from Missouri that we were discussing the point which the Senator was making without interrupting the Senator.

Mr. REED. As I could not hear your discussion, I want you to hear mine. I was trying to state the point to the Senator from Michigan. Now, as I understand, the Japanese Government is willing to let matters rest just as they are, but it does not want a legislative act passed which might be so construed as to be the enactment into law of this gentlemen's agreement, or which would effectuate the same thing.

Mr. LODGE. Mr. President, will the Senator allow me one moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. The provision embodied by the conference committee, simply as a proviso, that no aliens now excluded in any way or prevented from entering the country in any way shall

be admitted after the passage of this act, touches nothing that now exists. It does not interfere with the gentlemen's agreement in any way. If the Japanese Government should abandon their agreement—and it is purely voluntary; they can abandon it at any time—then the people who are now kept out under that agreement would not be able to come in. But it does not touch it at all, and it was drawn with particular care so as not to touch the agreement of treaties or existing law, or to draw any race distinction whatever.

Mr. REED. Mr. President, I call the distinguished Senator's attention to the fact, and then to the language. First, the fact is that Japanese are excluded from the United States in some way.

Mr. LODGE. Japanese labor; yes.

Mr. REED. That way is the action of the Japanese Government.

Mr. LODGE. The voluntary action; yes.

Mr. REED. Now, says this law:

No alien now in any way excluded or—

Notice—

Prevented from entering the United States shall be admitted.

They are prevented now.

Mr. LODGE. Undoubtedly.

Mr. REED. By the action of the Japanese Government; and this bill is not limited to the present moment. It reaches into the future, and it provides, as to the future, that no alien—or class of aliens, of course—now prevented, shall even enter the United States. Now prevented by our laws? Now prevented by our treaties? No; the provision is that no aliens now prevented in any way from entering the United States shall be permitted to come.

The Senator's viewpoint upon any language is always very important and very weighty; but I can not understand the logic of the Senator when he states: "Yes; the Japanese are now prevented," and says, then, that the language "and no alien now in any way excluded or prevented from coming to the United States shall be admitted to the United States" does not embrace every Japanese who is now within the prohibition of the Japanese Government from coming, because he is already prevented from coming by his own Government. The fact is that this law if passed will do what the gentleman's agreement does. The difference lies in this: The Japanese citizen is now excluded by the action of his own Government, which is not offensive to the Japanese Nation, whereas if we pass this law we will then exclude him by our act, which will be offensive.

Mr. LODGE. Undoubtedly it would embrace them, Mr. President, if they abandoned the voluntary agreement.

Mr. FALL. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. FALL. As I understand, the point that the Senator is making is that now being excluded simply by the action of the Japanese Government, if this bill passes they will then be excluded by the law of the United States.

Mr. REED. Exactly. The Senator has stated it admirably. They will then be excluded by the law of the United States, because the law will declare that anybody that is now excluded by a gentlemen's agreement or in any other way shall forever be excluded by the law of the United States.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Some of us feel that if the Japanese people should see fit to abrogate the gentlemen's agreement there ought to be a law against their admission into this country. That law would be founded not only upon what we believe to be right, but upon what the Japanese Government has conceded to be right by its own voluntary action in excluding them from this country. No one would wish to offend Japanese people, but there can be no offense, it would seem, in putting a conceded principle in the form of a statute.

Mr. REED. I believe, as the Senator believes, that this country ought so to frame its treaties and its laws as to prevent Japanese labor from coming to the United States. I have so said on former occasions. Our Government found, however, that the Japanese regarded any attempt to exclude them by law as offensive; and for considerations so weighty that the State Department has spent much time on them, it was decided best not to resort to legislative exclusion, but to have resort simply to a gentlemen's agreement, trusting to the Japanese Government to protect our shores by its action. Now, that agreement is a fact, and that exclusion does now exist; but it

rests in the honor and good faith and good will of the Japanese Nation and not in a law. Now, it is proposed to put into the law a phrase that will shut out these Japanese by law as completely as though the law named them. I say to the Senate that at another time and under other conditions I would be willing to stand here in the Senate and insist that our Government ought to insist upon a change of treaties; but I also say to the Senate that this is no time to be creating new points of difference or new causes of friction with a great nation with which we have been at complete peace, and with which we desire to remain in complete accord and amity.

I now stand here and talk "to the deaf ears of the adder," to those who propose to put this bill through regardless of consequences. The absence from the Chamber at this moment of nearly all its Members indicates a total indifference to the importance of this question. All I can do is to challenge the attention of those who are here, for at 4 o'clock we shall vote, and between now and 4 o'clock is the only time left for consideration.

The PRESIDING OFFICER. Will the Senator suspend? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. REED. The President in his veto message had in mind, I think, some of the troubles that now loom before us. He put into his message a warning with reference to this same question, speaking broadly, not with reference to the Japanese, but with reference to the possibility of international complications which might arise between any country and the United States. He states:

The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

That is the end of the quotation. The President continues:

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted. I dare say that these consequences were not in the minds of the proponents of this provision, but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

So you have the warning of the President that this legislation will probably be the occasion of international difficulties or misunderstandings. You have the knowledge that there is already a protest, informal but nevertheless a protest, by a great world power, and I repeat with all the force and emphasis I am capable of that this is not the time to be seeking points of difference with the great powers of the earth. Enough lies ahead of us that we can not avoid.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I suppose the Senator is very familiar with Article I of the treaty between the United States and Japan which was ratified in 1911, and the language of the first article, which I think very important in view of the memorandum which the Senator cites, I should like to read:

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other; to carry on trade, wholesale and retail; to own or lease and occupy houses, manufactories, warehouses, and shops; to employ agents, and so forth; to lease lands for residential and commercial purposes, and generally to do anything incidental to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

Surely the bill which the Senator is discussing is squarely in the teeth of that treaty right.

Mr. REED. When it is taken in connection with the gentlemen's agreement; yes.

Mr. SMITH of Michigan. Yes; and whether the gentlemen's agreement can be made after the passage of this law, if it should pass, I am not quite prepared to assert vigorously, although I think it could be. I think if the law-enforcing officials of the Government decided that as to the Japanese people their officials should oversee and supervise the immigration of their subjects to the United States they, perhaps, would miss the penalties and

regulations of this law. I am quite of opinion that that could be done; but, at any rate, in the face of the protest which the Senator has asserted, and in view of the fact that it would repeal absolutely, pro tanto, the treaty which I have now read, it has a very significant bearing.

Mr. REED. Mr. President, I have stated the matter as clearly as I can state it. I do not want to multiply words upon it.

I desire to call the attention of the Senate to some other things relating to the bill. The Senate put into the bill a very vital amendment. It was an amendment that would have prevented a great abuse of the privilege of entering the United States. It was to the effect that persons could not come to the United States for the mere purpose of temporarily engaging in labor, intending to return to their own country. That provision would have removed one of the chief causes of complaint against foreign immigration, to wit, the frequently recurring tidal waves of human beings that sweep over the ocean to take the places of our labor. This happens whenever wages become good. The immigrants come intending to earn some money and return home. They employ America as a sort of feeding ground. They do so to the detriment of our home labor. The provision I refer to was put in the Senate and stricken out in the conference, and I should like to know what efforts our conferees made to keep it in. The fact is nearly every wholesome provision placed in the bill by the Senate was stricken out. It seems to me that our representatives, who opposed all these amendments in the Senate, were quite willing they should come out in conference.

I notice the chairman of the committee is absent, confident of the vote, regardless of the merits of the bill or of this discussion, but I want somebody representing the committee to tell the Senate before the debate is over why that important clause was stricken out of the bill, and why those who profess that they want to protect this country from an influx of foreigners and to protect the labor of this country against an unjust competition with those who come here temporarily to take the places of our labor struck that clause from the bill.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. I do.

Mr. CHILTON. Does the Senator remember whether that same clause was in the bill that passed this body in the last Congress?

Mr. REED. I do not think it was in that bill; but I do not know. The clause in the present bill I prepared. It was offered here on the floor of the Senate, was fully debated, and was adopted against the protest of the chairman of the committee. It is not hard to know why it was not kept in the bill, but it is difficult to know why any man professing to desire the protection of our shores and of our labor would not have kept it in the bill.

The committee undertook for the first time to exclude people from entering this country by lines of latitude and longitude, not by races, not by intellectual qualifications, not by moral attributes, but by arbitrary lines. Accordingly, they marked a space upon the map which included countries containing, as I figure roughly in my head, something like 300,000,000, and said no human being in all that vast territory could ever come to the United States. The point was raised that to thus arbitrarily exclude everybody would exclude even those members of the white race who happen to be within that vast excluded territory, which embraces about one-half of all Asia, and so the words "white persons" were inserted in the bill, the effect being that white persons residing within that territory could, if otherwise qualified, enter the United States.

But the conferees cut out the words "white persons," leaving the bill so that it absolutely excludes every human being within that mighty portion of the earth's surface, and this regardless of the intellectual or moral qualifications of the immigrant and even though he be of the purest of pure white blood.

Mr. HARDWICK. Will the Senator allow me?

Mr. REED. I yield.

Mr. HARDWICK. I should like to explain to the Senator why we did that, and I think possibly he will agree with it. The Senator knows that the Hindus have been held by our courts to be white people. Now, even if they are technically white people they are not the sort of white people the Senator wants to come in, and if we had left in the bill the words "white people" we would not have gotten rid of this immigration that we wanted to avoid. I also invite the attention of the Senator to the fact that comprehensive language is employed in describing the excluded classes. That language is so broad that it includes practically all of the white people living in those countries.

Mr. REED. I think not by any means.

Mr. HARDWICK. It was so considered in the committee.

Mr. REED. You can not say they are doctors and lawyers.

Mr. HARDWICK. Will the Senator read the language?

Mr. REED. Let me find it.

Mr. HARDWICK. I think it pretty nearly included all white people.

Mr. REED. I will endeavor to get to that language in a moment. But if that is the rule the committee are proceeding by, why do they not put Africa in the excluded district? Why do you exclude the citizens of India, whom you say are of white blood, and permit to come to this country all the inhabitants of every part of Africa except a little spot on the east coast, embracing the desert portions of Arabia?

Mr. HARDWICK. As the Senator knows, personally the Senator from Georgia agreed with him on that question, and so voted in the Senate. The conferees, however, believed that the real reason why it was not necessary to do that was because there is no material immigration into this country of Africans from Africa. On the other hand, there is a very large immigration of Hindus, who, if you used the words "white person," would not be excluded. That is why we did not leave those words in the bill.

Mr. REED. Mr. President, the Senator, I hope, will not leave the Chamber.

Mr. HARDWICK. I will not.

Mr. REED. Will the Senator tell me why you exclude the people living in the territory of southern Russia and allow to come to this country the people from all of Siberia and all that part of Russia which lies north of the fiftieth degree of latitude? What is there about the people there who live just south of that parallel which distinguishes them from those living just north of the line?

Mr. HARDWICK. Would the Senator like to have me give an answer to that question now?

Mr. REED. I would.

Mr. HARDWICK. The part of Russia that we included is Turkestan.

Mr. REED. It also includes other parts of the Russian Empire.

Mr. HARDWICK. I do not think any part of it in which a considerable number of white people live.

Mr. REED. Yes.

Mr. HARDWICK. What part of it?

Mr. REED. There are white people living in all parts of the excluded areas.

Mr. HARDWICK. I mean they do not constitute the mass of the population.

Mr. REED. I think so.

Mr. HARDWICK. I think the Senator is in error about that. Of course there are white people all over the earth, but I mean the mass of the population are not white people in the excluded territory described by the geographical lines.

Mr. REED. As originally prepared the committee ran these lines clear up to the Arctic region, taking all of the white people out of the central portions of Russia. There was some debate upon that, and they moved the line down to the fiftieth degree of latitude, and there they arbitrarily drew it, although the people just north of that line are just like those just south of the line.

Mr. HARDWICK. The Senator is in error there. There is a racial difference.

Mr. REED. You do not follow the lines that mark the division of races. You follow the parallels and meridians drawn on the map of the surface of the earth, utterly disregarding the lines of countries or the lines of races.

It is as arbitrary a thing as though you were to draw two parallel lines across the United States and say that the people within those lines should have certain rights and the people outside should have certain other rights. You exclude some because you say they are Turks, yet you allow the great body of the Turkish Empire to send its people here. Are the Turks over in the body of the Turkish Empire in Asia Minor and Syria not as dangerous as those who live over in Turkestan? Are they not the same kind of people? Have they not the same color of skin, the same character of blood, the same religion, the same ferocious tendencies and traits? You exclude one, and you say you do so because he is a Turk. Why not exclude the other because he is a Turk?

The trouble is that instead of drawing this bill by races and excluding men because of character and blood, or even by countries, you exclude them in accordance with parallels of latitude and degrees of longitude. The gentlemen who vote for this bill vote that a Turk residing in European Turkey can come in if he lives just west of the fiftieth meridian of longitude, and if he lives just east of it he can not come in.

Under this wisely prepared bill an Arabian who lives just east of the fiftieth meridian of east longitude can not come in. That is largely desert over there, but if he lives just west of that line—and that embraces the greater part of Arabia—he can come in. It is about as senseless a proposition as was ever put on paper anywhere by any set of men. As originally drawn, this map would have excluded nearly all of Persia, but the committee got together in its room and resolved that a Persian would make a good citizen of the United States. Accordingly they grouped him with the African, so that both of them may come in arm in arm. The Moors from Morocco can come in; the polite and cultured inhabitant of Algeria is welcomed with open arms; the individual who inhabits darkest Abyssinia is a highly desirable immigrant; we open our arms to embrace him; the civilized and cultured denizen of Madagascar is invited to come; the intellectual bushman of the Congo is also eagerly sought. The Egyptian, whose intellectual death occurred when the Pyramids were built, can also come. The committee have excluded the head-hunters of Borneo, but they have admitted the head-hunters and the cannibals of Patagonia and the Fiji Islands—a discrimination between the same class of people which, I think, may justly be termed “class legislation.” But you will swallow it, because you are pursuing a policy here in regard to legislation that is too prevalent everywhere. What is it? A desired object is in your mind, and in the attempt to accomplish that object you lose all sight of the other features of proposed legislation.

You want to preserve the purity of our race; you want to prevent the influx of great hordes of undesirable people; and starting out with that laudable object—and that laudable object being in the senatorial mind—the Senate absolutely refuses to consider the bad propositions that are loaded into the bill.

The Senator from Georgia [Mr. HARDWICK], who paid me the compliment of an interruption and then of an immediate absence, spoke of the line of cleavage between races, and insisted that the arbitrary lines drawn upon the map by the committee mark that line of cleavage. But they do nothing of the kind. Here is a little excerpt from the Encyclopedia Britannica dealing with that question. It says:

The Caucasic or white man is best divided as follows.

Then follows a description of races, and then this:

The Mongolic or yellow man prevails over the vast area east of a line drawn from Lapland to Siam.

But the line of this map is not that line, and it does not approximate that line. The committee proceeded with about the same degree of arbitrary assumption of power and authority that old Andrew Jackson did when he went out and stuck his cane down in the ground and said, “Build it there; there is where I tell you to build it”; or the Czar of Russia, when he drew his pencil across a map and said, “Build the Siberian Railroad there,” without much regard to topography or anything else, except the whim of the moment.

Mr. President, if any Senator will take this map as it is now marked out, showing the excluded areas, he will find that the line runs through the Chinese Empire or Republic—whatever it happens to be this morning—leaving part of China excluded and part of it included; that it runs through the Russian Empire, excluding a part and including a part; that it runs through the very center of little islands in the ocean; and the man who lives north of that arbitrary line can not come in, but the man who lives south of it can come in; and that is true of islands of small extent. However, wherever the committee drew its pencil it made a line between human beings and differentiated between them; but the line that it drew was not a line between character or citizenship, but a mere arbitrary line on a map.

As to the literacy test as a test, that matter has been discussed, and I should not refer to it at all, except that I want to utter my final protest against it. This literacy test is not to be applied to our people where there are open schools and where the door of opportunity is held back and everyone is invited to enter the places of learning; but it is to be applied to people born in other climes, other Governments, and other environments. It is, as the President said in his former veto message, not therefore a test of capacity or disposition, but a test of opportunity. The man in the United States, speaking generally, who has resided here within sight of the schoolhouse and who has not acquired some education, is generally one of inferior mentality or one who does not possess the disposition which a good and progressive citizen ought to possess. That rule can not, however, be justly applied to the man born in a country where the heel of tyranny rests upon the necks of the people, where poverty with hands of steel circumscribes the development of the inhabitants, where the wolf stands snarling at the door of

the cottages of the poor, and where the constabulary and the soldiery drive him from the schoolhouse. The man reared under such conditions ought not to be denied the opportunity to move to a country where better opportunities prevail; he should not be denied a chance in life because already he has been deprived of his rights as a human being.

What harm has ever come from opening our hospitable doors to well-intentioned men and women who have been the victims of misfortune elsewhere? They came here in the early days of our Republic, and there were then, as now, men who declared that the influx of “ignorant foreigners” would destroy this land. It was nevertheless found that these industrious people settled upon our soil, conformed to our laws, and educated their children with greater care than the native-born American citizen. I put in the RECORD during the debates of the last Congress elaborate tables demonstrating the fact. To-day it is the solemn truth, although I say it with some shame, that people born in foreign countries and who came here illiterate send their children to the public schools more regularly and give them more of education than do the native-born citizens, and there is a greater degree of illiteracy to-day among the whites of the State represented by the distinguished chairman of the committee than there is among the children of the foreign-born in this country. I have made that statement before and it has not been challenged.

The grown people who come to our country unable to read or write are, generally speaking, past the meridian of life. They do not live long; but they bring with them wife and wean, and the question that confronts us is how the children are reared; how are they educated? The children are to become the future voters, the future business men, the future controllers of our country's destiny in part. When you tear aside the veil of prejudice, you are bound to admit that the children of illiterate immigrants frequently outshine in the schools of this country the children of the native-born; that the prize scholar to-day in our colleges, our universities, and our schools is very likely to have been the child of an illiterate immigrant.

What has been the fault of these people? Why are they illiterate? The answer can be found in that system of industrial and political tyranny from which our fathers fled and against which they later rebelled. God Almighty made this human family, and He made white men pretty much the same wherever He made them, and He made men of other colors pretty much the same wherever He made them. Wherever the white race exists men and women have been capable of setting up civilization, of achieving everything that is glorious and beautiful in civilization. But the iron bands have been riveted upon many of them by tyrants; the door of opportunity has been closed in the faces of the vast multitude. They have struggled along, bearing the burdens and subject to the tortures of their surroundings; and so they have remained poor; some of them have remained ignorant; but the history of this country and the history of every other free country shows that once you break those chains those who are the despised and oppressed of the land have crowded into every avenue of progress; they have swarmed with eager feet over the hilltops of success; they have climbed the mountains of achievement; and they have proven that in the years of their oppression and suffering they have been laying up a store of courage and of fortitude that has made them better and stronger than those who oppressed them.

There was a time, sirs, in this country when the “American aristocrat” sneered at the Irish who were coming to our land. The American aristocrat pointed to the fact that the Irish immigrants were priest-ridden and Pope driven, the same miserable cry that is to a large extent to-day responsible for this bill. It was charged that they were ignorant, and to a large extent they were, although only a century or two back of that time the Irish had been better educated than the English; but English oppression had destroyed Irish opportunity. They pointed to the fact that when these Irish came to our country they came poor; clad in tatters; that they crowded into tenements, 10, 15, and 20 living in a room. They declared that these Irish were the lazaroni of the earth; that they would pollute our civilization. Yet what happened, sirs? The Irishman took his pick and shovel and went on to the railroad. He worked at anything he could get; and in a little while the Irishman was living in a little cottage of his own; in a little while his children were in the public schools; in a little while the Irishman with his pick had become the manager of the railroad; in a little while you heard his eloquent voice ring out in the forums of debate; you heard the magic and music of Irish poetry; you saw the mystery of Irish genius transformed to the deathless canvas. You find the Irish to-day as good in blood, as good in brawn, as exalted in soul, as aspiring as the people of any race. They have passed in the test

of life those who stood sneering at them as they came. I use that one race as a type, but it is true of others.

What say you of transferring to this country that spirit of intolerance and oppression which has been the curse of Europe? Over there stands your aristocrat declaring "I was selected by God to control the earth, and these other creatures may creep around and crawl between my feet; but they shall be denied opportunity, and I shall dominate and control." Now, we, whose ancestors came but a few short years back from those same dark spots of earth, whose ancestors came bearing upon their skins the marks of masters' whips, rise in our self-adulation and in our assumed greatness, and say, "We join with the European and Asiatic tyrants in excluding and denying privilege to these poor people who are conditioned as were our own ancestors." So, men who themselves have struggled from the waves and gained a seat upon the raft kick back into the water's gaping mouth others who struggle for a place of safety.

Democrats, the five or six who are here, if you but read the utterances of Jefferson, to whom you pray as you go into your political temple, you will find he was a big enough man to say that no man should be denied opportunity because he was born on a particular spot of earth. But this committee takes a blue pencil and excludes all those born within one-third of the earth's surface that is not covered with water; and yet I will in the future as in the past see and hear the Democratic members of the committee invoking the name Jefferson every time they advance some proposition they can not bolster with their own logic!

I challenge any man in this body, and if it were permissible I would challenge the galleries, to name me now a single human being, who is an illiterate, who in the last 26 troublous months has lifted a hand against our Government or sought to embroil us in foreign conflict. The only trouble we have had has been, and if we are to have any trouble with any class of our people in this country in the future the only trouble we will have will be, with those who are not illiterate. Now, name me, if you can, the poor, illiterate wretch who in the past 26 months has done an act of violence against our Nation's peace, who has conspired against our land, who has given aid and comfort to those in conflict or controversy with the United States. Name me one. Aye, name me one in all this hundred million of our people who came here bearing on his back the raw scars of recent oppression who is not loyal to our land to-day.

It is not because of the poor man who can not read and write that our country needs to feel a fear. I will tell you where you will find that man. If there shall come a time when on the field of battle American valor must be called to meet the military serfs of monarchs, you will find him there. You will find upon that field where assemble the blue-blooded Americans the poor fellow from a foreign country who was so oppressed that he could not attend school, and he will fight with a double force in his soul—the love of liberty and the hatred of tyranny. He will fight as he has fought in every war of our country—the Revolution, where Irish and French and men of all races fought as valiantly as the native born; the War of 1812, when again they touched elbows and marched to the front; the War with Mexico; the War of the Rebellion, in which there were whole regiments of Irish who charged with the old Celtic yell, "Ireland forever!" Those regiments fought under Irish flags, but always with the Irish flag below the Stars and Stripes.

There is something wrong with a character of legislation that has been vetoed by three great Presidents. There is something wrong with legislation that comes under the condemnation at once of a man of the intellectual type of Grover Cleveland and a man of the opposite intellectual type, Woodrow Wilson—both of them great giants in the intellectual kingdom, but of very different mentalities. There is something wrong with a legislative body that listens to propagandas originated by societies based upon proscription of men because of their religion. There is something wrong with legislators who refuse to listen and who pay no heed to the solemn warnings of the President of the Republic in this hour when care should be exercised as never before in our history. There is something wrong when men will blindly follow their prejudice to such an extent that they will not listen or pay heed, although the State Department says to us, "This bill is so drawn that the representatives of a great foreign power with which we are at profound peace, and whose friendship we certainly desire to-day, have unofficially registered their suggestion—not a protest, but a suggestion—that the language of this bill may be very unsatisfactory." And, Senators, those of you who still remain in the Chamber, I put this to you: Is the present just the time, when the Congress of the United States ought to repudiate the President of the United States?

Sustain this veto, and all that is laudable or proper can yet be saved. This will not be the last session of Congress. A bill can be drawn that will protect the citizenship of the United States from an influx of improper foreigners, by which I mean those who, by blood or race, are incapable of amalgamation into the body and life and spirit of the American people. That is not to be done by arbitrary lines on a map, but by blood. It is the part of wisdom, in my humble judgment, to sustain this veto and to start writing an immigration bill that is to be based upon sound principles, and not upon false and arbitrary distinctions.

Mr. President, that is all I care to say upon this measure. I thank the Senate.

Mr. MARTINE of New Jersey. Mr. President, I feel very keenly and very deeply this theme, as I have said once or twice before. I opposed the bill when it was before the Senate within the past year, and I opposed it when it was before the Senate under the previous administration. To me it is repelling and repulsive. I have positive feelings and individual reasons for my opposition to this measure. I need not here state them again. I have stated them often before, and, to my mind, Mr. President, no more truly American message has been presented to the Congress by President Wilson than his veto of the so-called literacy test. I feel that it is unfortunate that he might not have been permitted to veto the literacy test and to approve the remainder of the measure, but this was impossible.

Mr. President, we cry, "Come, come to America! Come to this land, the land of the free and the home of the brave! Come to America, the haven of the downtrodden and the oppressed of every tribe; but you must read. You may be strong in body; your soul may be imbued with the love of liberty; you may stand willing to swear allegiance to your adopted country; yes, you may stand ready to bare your breast for the defense of our common country; you may love God and keep His commandments, but no! You can not touch foot on our shore, for you can not read!"

Senators, brothers, all, I appeal, do not vote to override this Christian and humane and patriotic protest against this ungenerous and un-American proposition.

Mr. President, millions of acres to-day lie in wilderness awaiting the magic touch of labor. Our laws and habits will assimilate the newcomer. Our public schools will educate him. Let him in, I pray. First let us only satisfy ourselves that he is clean and healthy and imbued with moral purposes and is willing to cast his lot with us.

Mr. President, I will never vote to bar from this fair and favored land my fellow man who through accident may have been denied the opportunity to learn to read. I hear the cry that immigration must be checked. Must it? Millions of acres still lie untouched. We want the immigrant. We need him. We must have him. He has brought wealth, prosperity, law, and order to our land, and strength and patriotism as well. The price of bread each day mounts. The cry on all sides, on the farm, is that we lack labor. The college-bred man does not and will not become your laborer. Our jails and prisons are filled to overflowing with men who will be able to pass the most severe of your literacy tests. Literacy is not a test of good citizenship nor of moral worth or efficiency. Illiteracy is by no means ignorance. Myriads of men who were illiterate, so called, would not be able to pass your test and yet have made the most honored and in many instances the most distinguished citizens of our land.

Cardinal Gibbons said in January:

It is disappointing to many thoughtful citizens that the immigration bill has passed both Houses of Congress. By this measure illiterates will, in the future, be excluded from entrance into this country. It is to be hoped that Mr. Wilson will act with the same good judgment as he has done on a former like occasion and veto the bill. Similar bills have been vetoed by preceding Presidents, who have been cognizant of the harmful effect of this test of literacy would have upon desirable immigration.

ILLITERACY NOT IGNORANCE.

Illiteracy should not be confounded with ignorance. There is an old axiom which reads that "intellectual attainments are not the test of virtue." Many of the most dangerous members of the community are men of keen and trained intellect but of depraved morals. The normal, sturdy illiterate has a receptive mind capable of early development. Had the United States refused such illiterates from the beginning of our Government, our country would have lost the benefit of their virtue, thrift, industry, and enterprising spirit. And the descendants of such forbears are an honor to their fathers and a credit and an asset to our country, for they have been rapidly incorporated and identified with the native population by the assimilating process of education and the common use of the English tongue. In consequence of this it would be hard to differentiate the children of foreign immigrants from those of native American parents.

The New York Sun in an editorial says:

LITERACY TEST AGAIN.

It is growing to be a custom with Congress to send the President an immigration bill with a literacy clause to veto. The House played true to form lately in voting the literacy test into the Burnett immigration

bill, that all might see how the faithful Representative stands ready at all times and in all ways to serve the native workman.

The test now put forward provides that aliens, to graduate from Ellis Island, must know how to read and write each his own language. It is hard to see how ability to read the Hungarian bards will avail a laborer in a rolling mill or how a good working knowledge of Russian script will help a New York housemaid. Very little is to be gained by the country in requiring such exotic accomplishments of intending settlers.

On December 17 the New York Sun editorially said:

The literacy test for immigrants is a child of prejudice and selfishness. Its imposition at any time in the Nation's history would have retarded the progress of the country and deprived us of thousands of loyal and devoted citizens who contributed by their own efforts and through their offspring to the upbuilding and defense of the United States.

Three Presidents—Cleveland, Taft, and Wilson—have vetoed this disastrous, unstatesmanlike restriction. To Mr. Wilson another opportunity is to be given to reject it; and that opportunity comes at a time when depleted labor markets, industries crippled by lack of workers, and commercial conditions exposing our present and future need of able-bodied immigrants must impress on the intelligence of disinterested observers the folly of locking the door to any individual of good health, honest mind, and friendly disposition.

Mr. Wilson has already given the final evidence of his understanding of this project. We hope no presumed mandate of legislative reiteration will cause him to abandon his defense of what has been and should remain a cardinal principle of American policy.

Mr. President, the fact is that this is not an effort to keep out the illiterate. We might as well be honest with ourselves. It is an effort to keep out labor. That is what it means. We can not afford to do this. Our fields and farms are crying for more help. Recent advices admonish us that we may need their strong arms to aid in the defense of our common Nation and for our country's good.

Mr. President, I most earnestly concur with the thought of the President as expressed in his message, wherein he says:

The literacy test is not a test of character, of quality, or personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. Our experience in the past has not been that the illiterate is, as such, an undesirable immigrant.

I have known in my life many who were unable to read, and yet who have carved out their fortunes, made distinguished and strong places in the body politic, and whose children have been a credit to the family of the father and an honor to our country.

Some one has put these few thoughts in a form that struck me very pleasantly:

Your farms are half deserted—
Up goes the price of bread;
Your boasted education
Turns men to dudes, instead.
We bring our picks and shovels
To meet your greatest need;
Don't shut the gates upon us
Because we can not read.

I hope there will be patriotism and breadth enough in the Senate, true Americanism enough, to maintain and to sustain the President's veto of this so-called literacy test.

Mr. HARDWICK. Mr. President, the friends of this bill do not feel that further debate upon its provisions is either necessary or desirable. The case is made up. The argument has already been had. The verdict has already been rendered, and at 4 o'clock this afternoon final judgment is to be entered. And yet I feel that in behalf of the Senate Committee on Immigration, and in behalf of the Senate conferees on this particular bill, a few words in answer to the President's objections to this bill will not be inappropriate.

Mr. President, in returning to the House in which it originated without his approval this bill, President Wilson observed:

In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Mr. President, the President of the United States states his side of this proposition strongly, as he always does, but it seems to me that he does not get down to the fundamentals involved in this proposition. The fundamentals upon which this literacy test rests are easy to understand, and when once understood it seems to me that the case made for the literacy test is simply unanswerable.

In the first place, we contend that no man ought to be admitted into this country unless he comes for the purpose of becoming a permanent resident of it, and is fit to become associated with our people and incorporated into our body politic. That means, of course, that he must be a citizen and a voter of this Republic in the end. He can not be a citizen and a voter

of this Republic unless he possesses a certain amount of intelligence, a certain amount of understanding, and in more than 30 of our own States he can not vote unless he has a certain amount of intelligence and can read and write. Now, what hardship is involved in requiring of the foreign emigrant, seeking admission into our country, seeking to eventually become a citizen and voter of this Republic, exactly the same qualifications that more than 30 American States, in one form or another, require of their own people before they can participate in the duties, responsibilities, and functions of citizenship?

I understand, of course, Mr. President, that education alone, standing by itself, is never a test of virtue, of integrity, of character; and yet education always must be the test, the standard, the yardstick, for determining the possession of the amount of intelligence necessary to exercise certain duties of citizenship. The rule, of course, has its exceptions; the standard does not always secure exact accuracy; but it is the best standard that we have been able to devise for our own people when it comes to defining who are fit to exercise the functions and discharge the responsibilities of American citizenship; and there is no injustice in requiring these immigrants who come from other countries to measure up to the same standards that we require of our own people.

So much for the fundamentals involved.

In the second place, I insist that this bill is right and that it ought to pass, the objections of the President of the United States to the contrary notwithstanding, for another reason—because we want to restrict immigration from certain countries in Europe and from certain peoples of Europe which this test will exclude—men who come here without any desire whatever to become permanent citizens of this Republic, sharers in its destinies and bearers of its burdens.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. HARDWICK. I yield to the Senator.

Mr. REED. I agree to the proposition that men should not be allowed to come here who do not expect to become permanent citizens and share the burdens of government. If the Senator advocates that, will he tell me why there was cut out of this bill the clause that the Senate put in which prohibited men from coming here simply for the purpose of doing labor temporarily and going back, which was intended to stop hordes of men coming from Europe to take the place of American labor? Why was that cut out?

Mr. HARDWICK. I will answer the Senator very frankly. It was cut out over my objection because it was considered difficult, if not impossible, to prove the purpose of the immigrant; because we considered it impracticable to establish what the facts were in that regard, because we did not believe that the officers and servants of this Government would be able to pass on that question with any degree of accuracy.

Mr. REED. Does not the Senator believe that they could have gotten at least part of the people coming in for that purpose?

Mr. HARDWICK. Well, I hoped so. To be frank with the Senator, I hoped that they could, and for that reason personally I favored its retention; but the majority of the conferees thought it was so impracticable, and that the percentage of good it would do was so small, that the object could be and would be best accomplished in another way; namely, in the way provided by this bill, largely by the literacy test.

Mr. REED. The Senator would not claim that these people who come here to take the places of American labor are all illiterate, or that a majority of them are illiterate, would he?

Mr. HARDWICK. I not only would claim it, but I do claim it. That is the fact.

Mr. REED. I should like to know from what country they come—

Mr. HARDWICK. I will answer the Senator, if he wants me to.

Mr. REED. Because I have some figures on that point myself.

Mr. HARDWICK. All right. They come from the south of Europe, from Italy, Sicily, Sardinia, from certain parts of Austria-Hungary, from Hindustan—the Hindus.

Mr. REED. Only 80 Hindus came to this country last year.

Mr. HARDWICK. A large number of them have come in the past. They may have been cut down recently, but there are a large number of them in the West now, the evidence is.

Mr. REED. Last year the figures showed—

Mr. HARDWICK. Has the Senator the figures for a number of years?

Mr. REED. I have. There came from India last year 32 instead of 80.

Mr. HARDWICK. The figures of the Senator may be technically correct, but they are not really accurate. There is no classification there—

Mr. REED. I have in my hand the immigration report and under the head, "Immigration, aliens admitted, fiscal year ended June 30, 1916, of countries from last permanent residence and races of people," I find "India 32."

Mr. HARDWICK. In 1916?

Mr. REED. Yes.

Mr. HARDWICK. Well, I will not dispute with the Senator about that. It is a mere matter of unimportant detail. Besides, I want to call the Senator's attention to this thought. The bulk of the immigration to which this test will really be directed and which it will really exclude comes from certain countries in the south of Europe around the Mediterranean, where the people who emigrate to this country are almost entirely illiterate and belong to the class of day laborers. I think, if the Senator will examine the facts—I have not the statistics at hand, and I would not care to take up the time to put them in the RECORD if I had them—he will find in the countries to which I have made reference the percentage of the illiterates is very large, and he will find, I think, further, if he will examine into the facts, that the percentage of illiterates who come from that country into this is very large.

Mr. REED. If the Senator will pardon me a moment, I have the figures here for 1914. The Senator spoke of over half of them being illiterate who came. The worst country I find is Portugal, and they are just 50 per cent, but there were only 9,647 Portuguese who came, a very small number, of course, in proportion to the great mass of immigrants.

Mr. HARDWICK. Take Italy, for instance.

Mr. REED. South Italy?

Mr. HARDWICK. Yes.

Mr. REED. As classified here this shows 40 per cent.

Mr. HARDWICK. That is the country, I will state to the Senator very frankly, I have in mind.

Mr. REED. The Senator spoke of Hungary. The Magyar, which is the Hungarian immigration, only showed 7 per cent of illiteracy. So by the Senator's rule it would exclude a good many from the south of Italy, and that is all from the south of Europe. It would not exclude a good many Polish people. Now, let me ask the Senator, Does he much blame the Polanders for not having an education under the circumstances he has been compelled to endure?

Mr. HARDWICK. If the Senator wants an answer to that question, I will say to him that I do not blame anybody for not having an education, whether he lives in Poland or America or anywhere else, unless it is the fault of that person.

Mr. REED. Exactly. I ought to put my question in a different form, whether it indicates mental inferiority or lack of good citizenship in a Polanders compelled to live under conditions he has been to be illiterate. I do not think it indicates that at all.

Mr. HARDWICK. I will say to the Senator that in setting up a standard or a rule of any sort you can not possibly set it up without having exceptions, and under the operation of which individual cases of hardship might not appear to result. The same observation that the Senator is making now would apply to every one of the State laws which require the possession of a certain amount of intelligence as a requisite for voting.

Mr. REED. The Senator has been very generous and I do not want to trespass upon his time.

Mr. HARDWICK. The Senator is not bothering me.

Mr. REED. I think there is a very wide distinction between denying to men the opportunity to live in a country, provided he is well intentioned toward the country, an honest man, and so forth, and permitting a man to take part in the government of the country. In the one case we reserve the right of government to those who are supposed to be the more intelligent. In the other case you deny a human being a chance to better his condition. I think there is a very clear line there.

Mr. HARDWICK. Mr. President, of course, that takes us right back to the proposition I started with. In the first place, this country is not an eleemosynary institution for the benefit of all the world. In spite of all the beautiful platitudes that have been uttered on this floor and elsewhere on that delightful subject, this is a country that belongs to us and to our people, and it is to be governed and its laws are to be enacted in accordance with what are the wisest policies for us and not according to any other plan or principle on earth.

Now, my own view of this matter, and I apprehend it is the view of a great majority of Senators who support this legislation—I apprehend it is the view of the great majority of the Members of the other House who have supported it—is that one of the principal things we ought to require of every man who comes into this country from a foreign land is that he shall

be of a character that makes him fit to become a citizen and voter in the United States of America.

Mr. GALLINGER. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. GALLINGER. I received a letter a day or two ago from a gentleman who served 12 years in this body, and whose opinions are very highly valued. With the Senator's permission, I will read a single paragraph from it.

Mr. HARDWICK. I will be very glad to have the Senator do so.

Mr. GALLINGER (reading)—

Did you ever realize that the test does not keep out of the country one single human being who cares to come? Its only effect is to delay an immigrant for a short period while he is learning to read. How long will it take him to learn? Many people can learn in from 9 to 12 months. If he really wants to come, he can afford to delay that length of time, learn to read, and then come to a country where he is expected to be an intelligent and patriotic citizen, qualified to vote in the only real people's Republic in the world.

Mr. HARDWICK. Exactly.

Mr. GALLINGER. And on that point, once on my own initiative, I called attention to the fact that at the worst this could only delay these people for a short time, that they could learn to read in their own language, that being the requirement of the bill. It might work a hardship to a few very old men or old women; but, as a rule, the people who come here are not so far advanced in years that they could not at least learn to read 30 or 40 words, as is required of them, in their own language.

Mr. HARDWICK. And if they are incapable of that it is proof positive that they are utterly unfit to become joint inheritors with us of this great country of ours.

Mr. REED. Will the Senator allow me?

Mr. HARDWICK. I yield.

Mr. REED. The argument of the letter, it seems to me, is completely without merit, or else the purpose of the bill will never be effectuated. The purpose of the bill, says the Senator, is to exclude the peoples from the south of Europe. Now comes the Senator from New Hampshire with a letter from some distinguished friend who says it will not exclude anybody practically because they can qualify in a little while. Hence why pass the bill, for the slight education necessary to read 30 or 40 words would not qualify a man for citizenship; and, according to the Senator's logic, all these people can come in by just a little extra exertion. So you will not shut them out at all, and the test of your bill is shown to be useless if the logic of that letter is correct.

Mr. HARDWICK. Of course, we can apply the argument exactly the other way, if it amounts to no more than that little hardship on anybody. What objection is there to it?

Mr. REED. But the bill gets you nowhere. It comes back to that proposition. While you have made that your test it is not the right test. There ought to be an entirely different test set up. It ought to be a test of manhood, a test of character. It ought to be determined by races, by the ability of an immigrant to assimilate himself into the life of the Nation. But now you say we have set up a test which can be defeated by the most ignorant creature on earth by doing a little work for 30 or 40 days. Hence, you say, it will not do any harm; ergo it will not do any good.

Mr. HARDWICK. There is no need to argue in a circle about this.

Mr. REED. That is what you are doing.

Mr. HARDWICK. No; the Senator from Missouri is indulging in that delightful pastime. He says it does not do any harm, and yet he is utterly and absolutely opposed to it.

Mr. REED. I did not say that it does not do any harm.

Mr. HARDWICK. If it does so little harm, it amounts to nothing, and therefore you are strenuously opposed to it.

Mr. REED. No; the Senator will pardon me, because he must not state me incorrectly.

Mr. HARDWICK. I do not want to quote the Senator incorrectly.

Mr. REED. I said it would exclude these people. The answer came back they can all defeat the exclusion by doing a few days' work. Hence the statement was made on that side, not by me, that it would do no harm. I say, if that be true it will do no good, because it will not exclude the very people the Senator wants to exclude, to wit, classes of people who happen to live in that part of Europe.

Mr. HARDWICK. Mr. President, it amounts to the same thing. No matter who is arguing in a circle, it is arguing in a circle just the same. I say it is not a hardship on these people to require of them that they must evidence the possession of a very reasonable amount of intelligence before they shall be admitted into this country. I say the governmental policy of

this country ought to be that no man shall be admitted into it who is not capable of being a citizen of this Republic and a voter in it, and I say the best general standard we can set up to determine that fact is the standard already set up in more than 30 American Commonwealths, namely, that the man must, at least, be able to read and write, that he must have that much intelligence before he can vote, in the exercise of those duties and in the discharge of those responsibilities.

Now, that is the thing in a nutshell. We are not hard on these people, because we do not require of them as much as we do of our own. It is a correct governmental policy to say we will not admit to this country people who are not capable of being assimilated into our body politic. It is a correct governmental proposition to say people are not capable of being assimilated into our body politic unless they are fit to become citizens and voters in this Republic. It is already an established American governmental policy that, as a rule, in most of the States the voter ought to have at least enough intelligence to read and write in the English language, and the requirement of this bill is not nearly as strong as that.

Mr. GALLINGER. If the Senator will allow me, he should not overlook the fact that in countries where the people have been persecuted along lines that have prevented them from getting an education because of religious persecution they are admitted here.

Mr. HARDWICK. I was coming to that, if the Senator please, in just a moment in connection with another part of the message.

It is a strange thing to me—yea, it is more than passing strange—that Members of this body and people out of it, distinguished men of high public position, skilled in all the polemics of governmental science, should undertake to object to literacy as a test in a matter of this sort when upon that same test rests almost every American institution and the laws of three-fourths of the American Commonwealths. Are we to establish a new dispensation on this subject? Are we to reform our views? Are we to reverse American policies? Are we to say to thirty-odd Commonwealths of the American Union you were mistaken when you said that your own people ought at least to be able to read and write before they can vote, either theoretically or practically, in your State? I do not think so. High as is my respect for his intelligence, I must dissent from the view of the President of the United States. I must dissent from the statement that this bill constitutes a radical change in the policy of the Nation. On the contrary, the bill conforms the policy of the Nation to existing American policies in three-fourths of the American States. I dissent from the statement that the bill is not justified in principle. On the contrary, the bill rests on the soundest of all fundamental principles, the right of a great people and a great Nation to establish its own standards at its boundaries and to say that men who do not come up to them shall not be admitted simply because the sovereign says not.

The President of the United States concludes his message as follows:

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

As was suggested by my friend, the Senator from New Hampshire, and under that provision to which the President objects, people who have been persecuted because of their religious faith will be admitted to this country without regard to any other consideration. The Senator may say that that is not logical and that it is sentimental. I am inclined to concede it if you make such a contention. But the President concluded:

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted.

Mr. President, I by no means concur in that view. It seems to me that without taking issue with the policy that any Government upon the earth may establish and may maintain on the subject of how it shall deal with its own people, we can say, as our fathers have said from the beginning of this country's history, if a man is persecuted for religion's sake alone, we will admit him to this country regardless of what any other country

may do or regardless of what any other country may say, without giving just cause for offense to that country.

Since the day of the establishment of the Government this country has been the land of civil liberty and of religious freedom. The right of a man to worship God according to the dictates of his own conscience ought to be unchallenged forever within its limits. For one, even if the exception be sentimental rather than logical; for one, even if some oversensitive foreign power might, if it was seeking cause for offense, find it in this matter, I am willing to take the chances. For one I am willing to say that we still remain true to that fundamental American principle, we are still willing to say that this country shall afford an asylum for the persecuted of every faith, of every creed, and of every religion on this earth of ours.

Mr. President, I am confident, not that this bill is perfect, not that the test it establishes is infallible, not that the standard it applies is the very best that can be devised, but that it is reasonably right, that it is reasonably sound, that it is reasonably accurate, that it is based on correct fundamentals; that in theory it is right and in practice it will be better.

For one I am willing to give my vote to-day, as I have given it so many times in the past, for the passage of this measure, not claiming that it is perfect, not claiming that it is free from fault, but claiming that it is the very best that can be done, and that it is reasonably suited for the purposes that it seeks to accomplish. I am willing to vote for it to-day, the objections of the President of the United States to the contrary notwithstanding.

Mr. REED. Before the Senator takes his seat I want to get the Senator's view upon the question that I first raised. I do not know whether the Senator was here when I began my remarks.

Mr. HARDWICK. I was not. I was away upon committee work, I will say to the Senator.

Mr. REED. I called attention to this fact, I think a very serious fact. It will take a moment to state it so that the Senator will understand what I am referring to. Under our treaty with Japan the Japanese Government has contended that its citizens have the right to come to the United States without restriction; that opposition in this country was developing to Japanese immigration. So much was that the case that legislation was being attempted in certain of the Western States. Thereupon our State Department brought about what is known as the gentlemen's agreement, by which the Japanese Government assumes the duty of excluding all but a limited class of its people from the privilege of coming to the United States. Therefore, under that gentlemen's agreement and under the condition which the Japanese Government has created the greater portion of the Japanese are excluded from the country. That is now the present condition, and the bill contains the language "no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States."

Mr. HARDWICK. What page?

Mr. REED. Page 8, lines 4 to 6. Will the Senator let me finish the statement so that he will have it complete?

Mr. HARDWICK. Certainly; I will hear the Senator.

Mr. REED. The Japanese Embassy called the attention of our State Department to this language and asked it to consider whether the language is not of such a character as to amount to a legislative prohibition of immigration whereas the gentlemen's agreement was effected for the very purpose of preventing legislation.

Understanding now that the very purpose of this gentlemen's agreement was to avoid legislation and to let the exclusion rest solely upon the good faith of the Japanese Government, is it not true that the condition has been created whereby the Japanese are prevented from coming? Does not this language when it becomes a law legislatively exclude the Japanese, because the language is "in any way excluded from or prevented from entering"? I will say to the Senator the State Department informed me this morning that the Japanese Embassy had called attention to this clause in the bill, and that the State Department requested that I should lay that matter before the Senate. I should like to ask the Senator's view about it.

Mr. HARDWICK. I will answer the Senator very frankly about it. The Senator's question is not a new one. It is one that was carefully and accurately considered by the conference committee. I say in answer to the suggestion, coming originally as the Senator says from the Japanese Embassy, and voiced by him on this floor, there can be no possible offense to Japan provided she intends, as we have a right to assume she does, to live up to her agreement.

The law can have no possible application to any Japanese who does not come without violating the good faith of his own

Government. Therefore I assume that, while technically it might be applicable to Japan as it is to every other country, it can have no practical application to any Japanese unless the Japanese Government is prepared to say it is not living up in good faith or does not propose to live up in good faith to its own agreement.

Mr. REED. The Senator misses the point of my inquiry.

Mr. HARDWICK. No; I do not miss the point.

Mr. REED. I can not attribute it to his lack of ignorance, but it must be due to my inability to state it. The point is that the gentlemen's agreement was arrived at for the very purpose of preventing legislation.

Mr. HARDWICK. For how long?

Mr. REED. Well, at least until some arrangement was made by treaty or otherwise.

Mr. HARDWICK. This is "otherwise," is it not?

Mr. REED. Exactly. The point is that, in order to have everything smooth with the Japanese Government, we in substance agreed not to legislate but to accept in lieu of legislation the assurance of that Government. Now we are legislating; now we are doing the very thing which the agreement was made to avoid. We are putting ourselves in the position possibly, and I think quite certainly, of having enacted a law the effect of which practically is to exclude Japanese because they are already within the class prevented from coming; in other words, we make a "gentlemen's agreement" with Japan to prevent legislation, and we follow that by legislation. Is it wise for us to have any controversy of that kind just now?

Mr. HARDWICK. I will say to the Senator that the conferees were perfectly convinced that there was no possibility of that sort of a situation arising. I will tell the Senator why. Of course the gentlemen who made this agreement on the part of our Government some time ago were making it merely with reference to legislation that was then pending. They could not mortgage the legislative future of this country, and they did not attempt to do so. Nobody, either in Japan or in America, will so contend.

Now, we have no reason to believe—at least, I have none; there may be differences of opinion about that—but I will say that, so far as I am concerned, I have no reason to believe that Japan has violated that agreement. Some people may think otherwise, but I have yet to see any evidence otherwise. The legislation contained in this bill, if it shall become a law, would simply have this effect; it could have no effect on Japan or on Japanese immigration, unless Japan was violating the agreement which she herself had made. If Japan is violating that agreement which she herself made and is not living up in good faith to her own agreement, so far as I am concerned I am willing, be the consequences what they may, now or hereafter, to legislate on this subject as we have legislated.

Mr. SMITH of South Carolina. Mr. President—

Mr. HARDWICK. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I should like to make this suggestion: If this has the effect of law, as the Senator from Missouri [Mr. REED] claims and as the Senator from Georgia [Mr. HARDWICK] says, it certainly would have no effect upon Japan unless she saw fit to take advantage of the "gentlemen's agreement" and break it. If she does not do that, but lives up to it, this is not effective; and if there should come a time when we should have some other agreement with Japan we could amend this without giving offense to either party to the contract.

Mr. HARDWICK. Let me suggest another idea to the Senator, and I am going to be as frank about this as possible. Suppose we had left this provision entirely out of the bill; that Congress had adjourned; and that Japan had notified us within 30 or 90 days—though I believe they have an arrangement that they may abrogate it at any time within a given period—that she wanted to abrogate it; unless there had been something like this put into the law there would have been no law whatever on our statute books to control this question or to keep it within its present limits.

Mr. REED. Then the object is to put it into positive law?

Mr. HARDWICK. The object is to put in such shape that, where Japan has already agreed that she will restrict and control her immigration into this country in a certain way, we are going to fix it so that if she were to abrogate that agreement at any time the law would preserve the status now existing under that agreement.

Mr. REED. In other words, you propose to substitute for this "gentlemen's agreement," which was made to avoid the enactment of a law which would be offensive to Japan, a law that will do the very thing that we made the "gentlemen's agreement" to avoid.

Mr. HARDWICK. I do not think the Senator from Missouri ought to make such a statement as that, because this is an American question. We can not have any disagreement between the Senator and myself, or between any two Senators on this floor, on that question. We have got a right to enact any sort of legislation we please on this immigration question, without regard to any other country on earth, except so far as that right is modified by treaties.

The Senator certainly—entertaining the views which he does on this immigration question—would not want to leave this country in this sort of a fix, that if Japan, the day after this Congress adjourns and after this bill becomes a law, should for any reason of her own, good, bad, or indifferent, give us the notice provided for in that agreement, that she no longer proposed to keep it, this country would have absolutely no protection on that subject. So this language is absolutely necessary. Without even our charging or dreaming of bad faith on her part, we put Japan in the position that she can change her mind, if she wants to do so, and notify us that she has changed it. That is my view of that question.

Mr. REED. I thank the Senator. Now, Mr. President, that clears up the matter a great deal. Let us state the case in a word; and I appeal to Senators to give this serious thought. We have a treaty with Japan, under which Japan claims the undoubted right to have her citizens come to our country. Legislation was pending which would affect that right. It was stated on the floor of the Senate by distinguished Members, it was stated generally in the press of the country, as coming from the State Department and elsewhere, that if that legislation were enacted it would be offensive to the Japanese people and Government; that it would be offensive to them because it would be the singling out of their people and the stigmatization of their people as unfit to come to America. Thereupon, to avoid that difficulty, to save the Japanese people from that implied humiliation, we agreed privately that in lieu of the enactment of any legislation we would accept the assurance of the Government of Japan that it would exclude its own people. Now, it is boldly admitted here by the proponents of this bill that they are not content to rest upon the "gentlemen's agreement," but that they propose to do just what the Japanese legation suggested, to substitute for that agreement a positive enactment of law—the very thing we have frequently been told on this floor we ought not to do, because it might make trouble between this Government and Japan. We are asked to do that now, at a time in the affairs of this world when the United States ought not to be searching for causes of dispute with great nations. It is now boldly admitted that the committee does propose to substitute a law for a "gentlemen's agreement," an agreement which was made to avoid the enactment of any law. If we do so we may create complications that may be very grave. I say to Senators who have come in since this debate started that the State Department has sent here word asking the Senate to give this matter very serious consideration.

Mr. SMITH of Michigan. Mr. President, the Senator from Missouri [Mr. REED] has laid considerable emphasis on the fact that this legislation will supersede the "gentlemen's agreement," so called, between Japan and the United States. He also contends, I have no doubt, that it would supersede the treaty between Japan and the United States made in 1911, and which, according to its terms, can only be terminated by six months' notice; in other words, the bill which is now pending, if passed over the President's veto, would become the law of the land and would supersede this treaty if in conflict therewith.

Mr. President, I have never hesitated to disagree with the President when I believed him to be wrong. In fact, I have frequently disagreed with several of his predecessors; but when the President in a great crisis sees fit to lay special emphasis on the unwisdom of this legislation, especially now, as a patriotic citizen and public servant I am bound to pay some attention to his request. When the government of a friendly power intimates, as has been stated by the Senator from Missouri, that this legislation is not in harmony with our treaty engagements, I am compelled to give heed to it. I did not favor the "gentlemen's agreement," I will say frankly. I thought it unwise to practice favoritism in the Orient, believing that China and Japan should be treated alike under our laws. Japan's marvelous advance and China's rapid evolution during the last decade has challenged the attention of the entire civilized world.

If the officers of the Japanese Government are deemed competent to pass upon the quality and character of native emigrants to the United States, then the Government of China, perhaps, might have the same courtesy at our hands, they being of equal honor.

That we must have immigration laws there can be no question; that our land should be protected from the lawless, from the criminal, from the anarchistic, there can be no question. We all admit that; but to say in statute law that because a man has not had the education which rises to specified standards he should be prevented from coming into this country, seems to me is very unfair.

I remember in this Chamber not very many years ago to have heard the distinguished Senator from Delaware recount that many of the soldiers of the Revolutionary Army who won our liberty could not even write their own names; yet they were unselfish enough and brave enough and courageous enough to give their lives for the Republic. As a Member of Congress for many years it has come to my knowledge, in the administration of the pension laws, that scores of men who were not able to sign their names had records for unsurpassable bravery in war and were helpful soldiers in the cause of the Union. Education is a very good thing; no sensible man denies it. Many of you have been more fortunate than others in obtaining it, and should thank God for your opportunities. If you go into the Vice President's room adjoining this Chamber, you can read a tablet on the wall to the memory of Henry Wilson, Vice President of the United States and a great Senator, and you will there learn that he was deprived of an education; that he had not even the benefit of a common-school education. He educated himself in the great struggle of life in the school of hard knocks. If you were to make admission to this country dependent upon the ability of an immigrant to parse a sentence, you would close the doors to much desirable immigration.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. Henry Wilson was born in a town in New Hampshire where there were public schools.

Mr. SMITH of Michigan. That is true, of course, but his biographer says he did not get any of it, free as it was; he was otherwise engaged in a struggle for bread.

Mr. GALLINGER. Well, I should challenge that statement; but whether that be so or not, others have the same chance for self-education.

Mr. SMITH of Michigan. The Senator from New Hampshire may have had an excellent chance for self-education.

Mr. GALLINGER. That was pretty much all I got.

Mr. SMITH of Michigan. But I want to tell the Senator that many of us were limited in that regard not because there were no schools, not because there were no teachers, but because in our youth it was necessary to battle for existence. Some of us could not parse a sentence.

Mr. GALLINGER. Well, Mr. President, if the Senator will permit me, we do not require that of these immigrants. We ask them to read 30 words in their own language.

Mr. SMITH of Michigan. Yes; and the Senator knows, and I know, scores of good people who have lived in a land of education and enlightenment who unfortunately can not read or write.

Mr. GALLINGER. It is their own fault.

Mr. SMITH of Michigan. Well, where it is their own fault, I have little sympathy with them, but where it is not their own fault I pity them. I think that the test of good citizenship here is the question of good character in the country from which the immigrant comes. If an immigrant has made a good citizen in the country from which he comes and comes here with every purpose of making this his home and identifying himself with our institutions, then I think he should be given the right to come; and I want to say for the President—and I do not often say much in eulogy of him—that for a teacher, for a professor, for a scholar, for a man who has led thousands of youthful feet through learning's maze to stand against this test because it is not fair, because it is not right, because it may work great hardship, is to his everlasting credit.

His veto message is brief and so full of humanity and sympathy for the unfortunate and the oppressed that I want to read from it.

I can not rid myself of the conviction—

Says the President—

that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Now, Mr. President, for good reasons the President has seen fit to return this bill—

Mr. WATSON. Mr. President, I should like to ask the Senator a question.

Mr. SMITH of Michigan. I yield to the Senator from Indiana.

Mr. WATSON. Does the Senator remember a lecture delivered by President Wilson when he was president of Princeton University, some four or five years ago, in which he inveighed against the exclusion of the Chinese by saying that he was not certain but that the Chinese would make far more desirable citizens than the hordes of ignorant, unlettered, vicious, and immoral immigrants who came from southern Europe through the eastern gates of our country?

Mr. SMITH of Michigan. No, Mr. President; I do not remember that; but I am not so familiar with the writings or the teachings of the President as is the Senator from Indiana. I am, however, familiar with the fact that during the years in which the President has been the Chief Executive of the Nation he has been privileged to change his mind a great many times upon important public questions; and if he has changed his mind upon that question I am very glad; wisdom grows with experience.

I do not believe the literacy test is fair; I do not believe it is the best test. I do not by that mean, to criticize the committee who have given the question very great care. I can not believe, however, that it is the only test or the most appropriate test that can be made. I think our consular system could be utilized and would perform a great service if under American law it was made their duty to ascertain the fitness of immigrants who propose coming to the United States for citizenship here. You may say that that is a very great task. So it is, but as a general thing our consular officers are not seriously burdened with work, and if it were necessary for a foreigner to go to the American consul nearest his place of residence and before he could sail convince that officer that he was a man of character, that he had been a good citizen in the town or village or county from which he came, and that he was coming to this country because of the superior opportunities and advantages which it offered him and his children, I think that that method of restricting immigration would be far preferable to this.

That it is not impracticable and that this could be done we have only to consider that something similar must be done before Japanese subjects may come to the United States under the "gentlemen's agreement." They must go to their officials and convince them that they are asking nothing but what they are entitled to, and when they get their Government's approval they may come; not before.

I am going to repeat what I said in the beginning, and then I am going to yield the floor to others, that this legislation, if passed, will, in my opinion, repeal the treaty between Japan and the United States; it will, if passed, nullify the "gentlemen's agreement." If it does, perhaps that agreement can be renewed after this legislation is passed. I have no doubt whatever that after this legislation is passed and becomes a law the President of the United States could forthwith enter into a treaty with Japan by which this very privilege which is now contained in the "gentlemen's agreement" would become the operating principle of the two Governments in the matter of immigration.

Mr. TOWNSEND. Mr. President, may I ask my colleague a question?

Mr. SMITH of Michigan. Certainly.

Mr. TOWNSEND. I am not sufficiently able to understand the bill as to the boundaries established by lines of longitude and latitude to know whether the conferees have changed the provisions of the bill as it passed the Senate relative to the treatment of Japanese immigrants. Can my colleague inform me?

Mr. SMITH of Michigan. I understand there has been a change as to the geographical lines that were arbitrarily drawn, creating from it zones from which the immigrants may come, but the principle remains the same, and an absolute dead line is drawn through Russia. If born on one side of the line, an immigrant may come; if born on the other side, he can not come, no matter how excellent his character and qualifications.

Mr. LODGE. Mr. President, I will say to the Senator, if he will permit me, as I was one of the conferees, that we changed the lines. The lines as originally drawn, according to the suggestion of the State Department, ran directly north to the Arctic Ocean, including a portion of Siberia. Those lines have been abandoned, and a line of latitude has now been adopted which cuts out only Hindustan and Turkestan.

Mr. TOWNSEND. Will the Senator answer me this question? Is my colleague correct in stating that our action in adopting the conference report will practically repeal the treaty that we now have with Japan?

Mr. LODGE. I totally disagree with the Senator on that proposition.

Mr. SMITH of Michigan. If the Senator from Massachusetts disagrees with me, I almost doubt my own judgment about it. I would hardly want to take issue with him, such is my great respect for his knowledge in such affairs; and yet I still believe, though not quite so strongly, that this bill, if passed, will amount to a repeal of the treaty of 1911 in so far as the law is in conflict with the treaty.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. SMITH of Michigan. Certainly.

Mr. FALL. I suppose that the Senator's construction of the treaty upon which he relies in making his statement is that the "gentlemen's agreement" made three years prior to the execution of the treaty itself was simply, as it has always been called, a "gentlemen's agreement"—a verbal understanding between gentlemen?

Mr. SMITH of Michigan. Outside of the scope of the treaty.

Mr. FALL. And that in terms attached to the treaty of 1911 itself was an agreement in writing by the Japanese ambassador, for his Government, being duly authorized, that they would continue to observe the terms of the "gentlemen's agreement"? The Senator's construction, as I understand, is that it is in the nature, then, of a protocol of equal solemnity with the terms of the treaty itself?

Mr. SMITH of Michigan. And that this legislation will operate to repeal it if it is in conflict with the treaty; and, I suppose, to that extent at least the Senator from Massachusetts would not be in disagreement with me.

Mr. FALL. Mr. President, I do not know what construction the Senator from Massachusetts would put upon it, but I would put the opposite—that if, as the Senator contends, the Uchida declaration is a part of the treaty, the law itself simply providing in terms what the Uchida agreement provides could not be construed in conflict with it. The only proposition, in other words, is this: If the gentlemen's agreement is a part of the treaty, this law recognizing the gentlemen's agreement is not in conflict with the treaty itself.

Mr. SMITH of Michigan. Oh, yes.

Mr. FALL. Now, whether reducing it to a law would not only be a source of annoyance but would be possibly a cause of very serious offense to the Japanese Government is a matter about which I have my own opinion.

Mr. WATSON. Will the Senator state his own opinion?

Mr. FALL. I will at the proper time; but I do not want to take the time of the Senator from Michigan.

Mr. SMITH of Michigan. I feel that this treaty is in conflict with the legislation we are now discussing. I think it is unfair. I think it is ungenerous and unwise.

Mr. COLT. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH of Michigan. Yes; I yield.

Mr. COLT. While I do not like to interrupt the Senator, I should like to speak of the literacy test simply from the standpoint of my experience.

For more than 25 years I have had a great deal to do with naturalization. The aliens of all countries, in large numbers, have frequently come before me for naturalization. It has been my duty to examine them individually. I have always made character the test; never the mere fact that the applicant could read or write. From my own experience extending over a generation, seeing these men face to face, and examining them critically as to all the facts of their lives, I have reached the unalterable conclusion that a literacy test of any character is absolutely insufficient, unfair, and unjust.

For this reason, based upon my long experience, I can not conscientiously bring my mind to vote for any such un-American, unfair, and unjust test.

Mr. SMITH of Michigan. Mr. President, I am very happy that the Senator interrupted me, as he has stated my own view much more clearly than I possibly could have stated it myself, and he has stated it out of the fullness of a larger experience than it has been my privilege to have. As an eminent jurist, before whom immigrants have come in the years that have gone, he has had an opportunity to study their character and fitness for citizenship; and he says that literacy is not the appropriate test.

I said a little while ago that the Senator from Delaware put into the RECORD about two years ago some very striking facts, which I am going to read. He then said:

Some years ago I had occasion to examine the muster rolls of the Continental line of the Revolutionary Army, and I discovered that in many companies as high as 75 to 80 per cent of the soldiers were

illiterates and foreigners. If those men, those illiterates, those foreigners, were then good enough to risk their lives in assisting to obtain our independence, it seems to me that the same class of men are now good enough to assist in the development of this great country.

Seventy-five to 80 per cent of the Continental line of the Revolutionary Army illiterate! That was not their fault. They had neglected no opportunity. They were heroic and courageous and country loving.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, there has been considerable progress in the cause of education since then.

Mr. SMITH of Michigan. There has been in this country, but there has not been as much progress in the cause of education in some parts of the Old World.

Mr. HARDWICK. There has been a good deal since then.

Mr. SMITH of Michigan. Some, I grant you, but not so great as here.

Mr. HARDWICK. And most of the countries in the Old World have a very much lower percentage of illiteracy than we have.

Mr. LODGE. Yes; many of them have a much lower percentage of illiteracy than we have.

Mr. SMITH of Michigan. Well, Mr. President, that does not prevent vice and crime and disloyalty there and it will not here.

Mr. HARDWICK. Oh, no.

Mr. SMITH of Michigan. I can not bring myself to vote to pass this bill over the President's veto.

Mr. HUSTING. Mr. President, as a member of the Committee on Immigration, and as one who voted against this bill when it was before the Senate before, I desire to state very briefly the reasons that impel me to vote against this bill now.

In the first place, I think that it is a very inopportune time to pass an immigration bill of this kind. In the midst of an international crisis, such as we are in, I think it is wrong and impolitic to inject anything that will complicate our relations with any foreign Government. I am also opposed to doing anything that has the savor of bad faith, and I must say that, in my judgment, in the light of the understanding we have with Japan, we are trying to do by statute what we are either afraid to do or unable to do by treaty.

As I understand the situation, we have a treaty with Japan admitting citizens of that country into this country. Now, it is said that we have a gentlemen's agreement by which it is understood that no Japanese except certain classes are to be permitted to come here. The consideration for the treaty and the consideration for the agreement is that we are not to do anything in the way of enacting statutes which would change the treaty. That consideration is a substantial one, and it is based, no doubt, upon a desire not to be discriminated against. Here is a great nation that has some pride, a people that does not want to be put in a category where we could point to it and say that it is different from other peoples. The Japanese have asked us to do this thing not because they are anxious to have their citizens come here but because they do not want this great Nation to discriminate against them.

Mr. PHELAN. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. HUSTING. Certainly.

Mr. PHELAN. The treaty of 1911 between this country and Japan provides that the people of that country may enter here for the purpose of trade. It is not a general immigration treaty. It is a treaty of trade and commerce. Therefore I think the Senator is in error when he says that these people indiscriminately may enter this country under the provisions of that treaty.

Mr. HUSTING. I will ask the Senator whether, in his estimation, this law is not repugnant to the gentlemen's agreement that we have?

Mr. PHELAN. It is not repugnant to the gentlemen's agreement. It simply carries out the gentlemen's agreement. The gentleman who is speaking for the United States is the Congress of the United States. The original gentlemen's agreement was the gentleman in the State Department talking with the premier of Japan. Now the gentlemen in Congress are speaking to Japan. It is still a gentlemen's agreement. In this form it should be satisfactory to both parties who are honestly of one mind.

Mr. HUSTING. This is rather involved, but I think it is a fair statement to say that we are trying to do by statute something which is repugnant to the face of the treaty.

Mr. HARDWICK. Mr. President, will the Senator yield to me for just a moment?

Mr. HUSTING. Certainly.

Mr. HARDWICK. The Senator is absolutely in error. We have done nothing which is in violation of any treaty or any

agreement on earth, and I should like the Senator to point out either the agreement or the treaty.

Mr. HUSTING. My understanding is that, by a gentleman's agreement, it was understood that we were not to admit Japanese into this country.

Mr. HARDWICK. No, no.

Mr. REED. That we were not to legislate against them.

Mr. HUSTING. And that we were not to legislate against them.

Mr. HARDWICK. If the Senator will allow me to state it to him, because I am familiar with it—

Mr. HUSTING. Certainly.

Mr. HARDWICK. The Japanese Government agreed that it would not issue passports to Japanese laborers; and at that time, with an immigration bill pending, because of that agreement, no reference was made to the Japanese question.

Mr. REED. Mr. President, will the Senator pardon an interruption?

Mr. HUSTING. Certainly.

Mr. REED. The gentleman's agreement was that Japan would itself arrest the immigration, in consideration of which we were not to legislate.

Mr. HARDWICK. At that time, if the Senator pleases.

Mr. REED. As long as the agreement existed. Now it is proposed to legislate.

Mr. HARDWICK. Can the Senator refer to the terms of the agreement? He seems to be so familiar with it.

Mr. REED. I can only refer to them in the way they are stated to me—

Mr. HARDWICK. Then they are stated erroneously to the Senator.

Mr. REED (continuing). By the State Department:

Though not appearing in written agreement, it is understood by both Governments that the United States will not, during the operation of the agreement, legislate against the immigration of Japanese laborers.

Mr. HARDWICK. Well, we have not.

Mr. HUSTING. I did not intend to enter into a discussion of the details of this agreement. I merely want to say that my understanding is that according to this agreement we agreed we would not do certain things. In doing these things now by statute we are attempting in a way that is repugnant to a certain great power to do the very things that can be done and that are being done now without discrimination against a great nation.

I do not think that this is good policy. Particularly at this juncture, when we are facing a great international crisis, I do not think we ought in any way to further complicate international situations. I want to say that I do not think that at any time, whether it is in the face of a crisis or not, we ought to do anything such as this, because what is made by a treaty should be undone by a treaty, and what is made by a treaty should not be undone by a statute.

Mr. FALL. Mr. President, will the Senator yield for a moment?

Mr. HUSTING. Certainly.

Mr. FALL. The Senator made a suggestion that the citizens of one country had a right to go into the territory of the other without any restrictions; but that statement seems to have been questioned, and it has been asserted that this was purely a commercial treaty. I have the treaty here before me, and I think the Senator is entirely right:

The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

The gentlemen's agreement was reduced to a formal declaration in writing and attached to this treaty, and it modified that provision as to unrestricted travel and trade, and so forth. It is as follows:

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States, the undersigned, Japanese Ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Signed by Y. Uchida.

Mr. HUSTING. That takes care of something that this law is made to take care of, only it does it in a way that is inoffensive to the people affected by it; while here we are gratuitously and wantonly endeavoring to do something that has already been taken care of, and endeavoring to do it in a way that is offensive to the other people. It does not accomplish anything, and it does us harm instead of good.

I am going to vote to sustain the President's veto because of the literacy test. As the President well says in his message:

It is not a test of character, of quality, or personal fitness.

I have lived all my life among people who were, or whose immediate ancestors were, immigrants to this country. Many of those who came to this country were unable to read or write, or to comply with this literacy test. That test, I say, was not one of fitness or of character, but merely one of so-called education. I think, however, we are very likely to ignore the fact that education can be other than book education and book learning. I have met many men whose education, gathered from other sources than books, gathered from experience, surpasses the education of the college graduate who is devoid of experience and devoid of many things that only experience in the school of hard knocks can teach.

Mr. President, it has been asserted here that this merely defers or delays the coming of the immigrant, because he can learn to read and write before he ultimately comes. Why, the very condition that makes him now unable to read and write is going to make it impossible for him to learn to read and write two years from now, or four years from now, or six years from now. It is a violent assumption to think that any great class of people remain ignorant through choice. Their only hope of getting an education is by being admitted into a country where the opportunity is afforded to them to get an education. I know of some people in my little city who came to this country only a few years ago and who were unable to read and write. They belonged to the class at which this legislation is aimed. Not long ago I learned that 30 of them, men and women, some of them past the meridian of life, had hired the public-school teacher in the city and were taking night lessons for the purpose of learning to read and write the English language. Many men who have never had the privilege of learning to read and write are the most insistent that their children shall learn to read and write. There is a thirst for knowledge in the breast of every man who has been denied the privilege of drinking of the spring of knowledge. That thirst impels him, when the opportunity offers, to drink deep and long of that spring and to see that his children have the privileges that have been denied to him.

A Member of the House of Representatives told me only a few days ago that his father was unable to read and write when he came to this country, but that when his children—and he had a family of eight—arrived at school age he personally took them to school every morning and called for them in the evening, and told them that he wanted them to have a privilege that had been denied to him.

So I say that many of the men who built this country, who came here when the country needed men who could shoot as well as men who could read and write, proved to be the bulwark of the institutions of this country and helped to build it up. Now, shall we say: "Our people came here; some of them could not read and write; but now that we have come here, now that we have enjoyed these opportunities, there is no more room for any others, and we shall have to close down the gates. We got here, but we are not going to let any others get in here."

Three different Presidents, I believe, have vetoed this very provision in immigration bills. President Wilson has vetoed it twice. Each and every one of them has said that this is a departure from our old-time policy. This is an asylum, not to the undesirable but to the unfortunate and the oppressed. I agree with them that the bill is a wide departure in principle in that it would show that we are beginning to ring down the curtain of a stage which has been open to all the oppressed people of the globe. The literacy-test provision is a provision that has its inception in selfishness instead of unselfishness, that has not a spark of altruism in it; and I say I am going to vote against this bill because I think it is un-American, I think it is bad in principle, and I think it will be harmful in its administration. I think the time is not yet here when we should say to the people of the world that this one asylum, this one country of hope, this one country of opportunity is closed to them forever.

Mr. LODGE. Mr. President, some 20 years ago, when I was on the Committee on Immigration, as I am to-day, we considered very carefully the suggestion about consular examinations which the Senator from Michigan [Mr. SMITH] has brought forward. It was found to be impracticable, because other nations would not allow our consuls to examine their citizens, and therefore it was abandoned.

Mr. President, I am not going to argue the illiteracy test. It has been discussed here for the last 25 years. I think everything has been said about it that can be said, on both sides. Personally, I do not think ignorance is an advantage in anybody; but the illiteracy test in this bill is a method of restriction, and after years of discussion and investigation it has been

found that, on the whole, it excluded more undesirable persons and fewer desirable ones than any other.

I merely wish to say a single word on this question that has been raised in regard to the Japanese. Two years ago we placed in the bill a provision, and worded it in a way satisfactory to the Japanese representatives, which excluded persons not eligible for naturalization, adding, except where there was other provision by treaty, convention, or agreement entered into or to be entered into. That provision was accepted by the Japanese at that time as satisfactory, with the addition of that exception. The House repeated that provision this year in its bill. Representations were then made that the Japanese objected to it because they did not like the intimation of race inferiority, and the Senate changed it to a geographical exclusion so as to reach other Asiatic immigration, and leave the Japanese under what is known as the gentlemen's agreement.

When we came into conference there was great objection to the changes made by the Senate, and the conferees finally decided on a provision which omitted all reference to agreements and all reference to eligibility for naturalization, and simply provided that persons now excluded in any way—by law, by treaty, by convention, or by agreement—should continue to be excluded after the passage of this bill. We make no race discrimination. It applies to all the world. It does not, in my judgment, touch the treaty of 1911 at all. That treaty left out the old provisions about immigration, and we were protected by the short time of notice necessary in case the gentlemen's agreement was abandoned.

Mr. REED. Mr. President—

Mr. LODGE. I have only a minute.

We do not affect the treaty. They desired us not to make any allusion to the gentlemen's agreement. We have made none. We do not change the gentlemen's agreement in any way. We leave it standing exactly as it is, and we cast no reflection on any race, nor do we make any discrimination. The gentlemen's agreement applies only to labor. All other classes are specifically excepted in the immigration law—all those who appear enumerated in the treaty. It applies only to labor; and the provision shutting out all aliens now excluded is simply carrying out existing provisions. The gentlemen's agreement will go right on if Japan chooses to uphold it.

Mr. REED. Mr. President—

The VICE PRESIDENT (at 4 o'clock p. m.). The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement the question is, Shall the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], from the operation of which I am relieved on this vote. I therefore vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. The Senator from New York would vote "nay" and I would vote "yea." However, I am privileged to transfer my pair to the Senator from Oklahoma [Mr. GORE] and record my vote in the affirmative.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness. I am paired with him for the day, but with the understanding that he would vote the same as I do on this question. I am at liberty to vote. I vote "yea."

Mr. LEWIS (when the name of Mr. LEA of Tennessee was called). Allow me to announce the absence of the Senator from Tennessee [Mr. LEE], who is detained by illness in his family. If present, he would vote in favor of the bill.

Mr. BRANDEGEE (when Mr. McLEAN's name was called). My colleague [Mr. McLEAN] is confined to his house by illness. He is paired with the senior Senator from Montana [Mr. MYERS]. If my colleague were here and at liberty to vote, he would vote to sustain the President's veto and would therefore vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. PITTMAN (when Mr. NEWLAND's name was called). The senior Senator from Nevada [Mr. NEWLANDS] is confined to his home by illness.

Mr. WALSH (when Mr. O'GORMAN's name was called). The Senator from New York [Mr. O'GORMAN] is unavoidably absent.

He is paired with the Senator from New Hampshire [Mr. GALLINGER], as heretofore announced. If the Senator from New York were present, he would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Virginia [Mr. SWANSON] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is absent, and not knowing how he would vote I will transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. CUMMINS (after having voted in the affirmative). I am paired with the senior Senator from Nebraska [Mr. HITCHCOCK], but I understand that if present he would vote as I have voted, and therefore I will allow my vote to stand.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. GALLINGER. I have been requested to announce a pair between the Senator from New Mexico [Mr. CATRON] and the Senator from Oklahoma [Mr. OWEN], and also a pair between the Senator from Maine [Mr. FERNALD] and the Senator from Louisiana [Mr. BROUSSARD].

The yeas and nays resulted—yeas 62, nays 19, as follows:

YEAS—62.

Ashurst	Gronna	Myers	Smith, S. C.
Bankhead	Harding	Nelson	Smoot
Beckham	Hardwick	Norris	Sterling
Borah	Hughes	Overman	Sutherland
Brady	James	Page	Thomas
Bryan	Johnson, Me.	Penrose	Tillman
Chamberlain	Jones	Phelan	Townsend
Chilton	Kenyon	Pittman	Underwood
Clapp	Kern	Poindexter	Vardaman
Culberson	Kirby	Pomerene	Wadsworth
Cummins	La Follette	Robinson	Watson
Curtis	Lane	Shafroth	Weeks
Dillingham	Lee, Md.	Sheppard	Williams
Fall	Lodge	Shields	Works
Fletcher	McCumber	Slimmons	
Gallinger	Martin, Va.	Smith, Ga.	

NAYS—19.

Brandegge	Husting	Ransdell	Stone
Clark	Johnson, S. Dak.	Reed	Thompson
Colt	Lewis	Saulsbury	Walsh
du Pont	Lippitt	Sherman	Warren
Hollis	Martine, N. J.	Smith, Mich.	

NOT VOTING—15.

Broussard	Gore	Newlands	Smith, Ariz.
Catron	Hitchcock	O'Gorman	Smith, Md.
Fernald	Lea, Tenn.	Oliver	Swanson
Goff	McLean	Owen	

The VICE PRESIDENT. On the question, Shall the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States pass, the objections of the President of the United States to the contrary notwithstanding? the yeas and nays having been entered in accordance with the Constitution, the yeas are 62 and the nays are 19, and thus the bill becomes a law without the approval of the President of the United States.

EXECUTIVE SESSION.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 20 minutes spent in executive session the doors were reopened.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. Mr. President, I ask that the unfinished business, the Agricultural appropriation bill, be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

RECESS.

The VICE PRESIDENT. The hour of 5 o'clock and 30 minutes having arrived, the Senate stands in recess until 8 o'clock this evening.

Thereupon the Senate (at 5 o'clock and 30 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

GOVERNMENT OF PORTO RICO.

The PRESIDING OFFICER (Mr. CHILTON in the chair). According to the unanimous-consent agreement, House bill 9533 is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. JONES. Mr. President, there are only about eight or nine Senators present. I stated to-day that I would call for a quorum at the opening of the session to-night. I wish to ask the Senator in charge of the bill if he thinks we ought to proceed with the consideration of this measure with the eight or nine Senators who are present?

Mr. SHAFROTH. I believe a good many more Senators will be here, and if you consider the presence of Senators in the day-time, many bills are considered with less than the number who are now present.

Mr. JONES. I do not want to embarrass the Senator's bill. I know how anxious he is to get it through. I have no special objection to it myself. I think it is a very important measure; it affects a great many people; and I will not at this time call for a quorum if the Senator thinks it would be well to go on with the bill.

Mr. SHAFROTH. I think it would be well to go on with it. The PRESIDING OFFICER. What was the statement of the Senator from Washington?

Mr. JONES. I said I would not make the point of no quorum. The PRESIDING OFFICER. The question is, Has not the Senator already done so?

Mr. JONES. No; the Senator did not. The PRESIDING OFFICER. The Chair will so hold for the present; however, he does not know but that the point has been made. The Senator from Colorado.

Mr. SHAFROTH. The first matter that was passed over is section 29.

Mr. MARTINE of New Jersey. There were objections to points before that. I have an amendment to come in ahead of section 29.

Mr. SHAFROTH. I am speaking of committee amendments. I am trying to get the committee amendments through. The first committee amendment that was passed over was section 29. I tendered an amendment in behalf of the committee, and I ask now that that be considered.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. PENROSE. Mr. President, I do not want to make myself disagreeable, but it seems to me that this is a farce.

Mr. SHAFROTH. Let me say—
Mr. PENROSE. I raise the point of no quorum, Mr. President.

Mr. SHAFROTH. I hope the Senator will not do that. We have been trying for weeks and weeks to have this bill considered.

Mr. PENROSE. I raise the point of no quorum. The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Chamberlain	Jones	Penrose	Sheppard
Chilton	Kenyon	Pomerene	Simmons
Clapp	Lane	Ransdell	Stone
Fletcher	Lewis	Reed	Thomas
Johnson, S. Dak.	Martine, N. J.	Shafroth	Vardaman

Mr. LEWIS. Mr. President, let me announce the absence of the Senator from Tennessee [Mr. LEA], caused by illness in his family.

Mr. CLAPP. I desire to state that the junior Senator from South Carolina [Mr. SMITH] is unavoidably detained on account of sickness in his family, which is quite serious. He has a pair with the senior Senator from South Dakota [Mr. STERLING]. I will let this statement stand for the day.

The PRESIDING OFFICER. Twenty Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators.
Mr. SHEPPARD. I desire to announce that the Senator from Oklahoma [Mr. GORE] and the Senator from Louisiana [Mr. BROUSSARD] are unavoidably detained by illness.

Mr. VARDAMAN. A good many other Senators are absent from some cause, I do not know what.

Mr. SHAFROTH. Mr. President, it is manifest that we can not get a quorum on such a bitter cold night, and we would only torture ourselves by remaining here. Therefore, I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 6, 1917, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1917.

UNITED STATES CIRCUIT JUDGE.

Robert Lynn Batts to be United States circuit judge, fifth circuit.

UNITED STATES DISTRICT JUDGE.

Colin Neblett to be United States district judge for the district of New Mexico.

HOUSE OF REPRESENTATIVES.

Monday, February 5, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of Hosts, mighty to deliver and strong to uphold, be with us in this hour of extreme peril, that we may be susceptible to Thy counsels and guided by Thy light in the affairs of state, that we may move with calmness and deliberation, that our judgments may be in accordance with Thy will. Grant, O most merciful Father, that we may not be drawn into the vortex of war and the evils incident thereto, but be able to maintain peace and tranquillity with all the world. Unite us as a people in all measures to secure our rights and maintain our honor in right and truth and justice. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday was read and approved.

The Journal of the proceedings of Sunday was read and approved.

PENSION APPROPRIATION BILL (H. REPT. 1417).

Mr. RAUCH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. RAUCH. For the purpose of reporting an appropriation bill. Mr. Speaker, by direction of the Committee on Appropriations I wish to report the bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, and desire to give notice that I will call it up following the passage of the naval appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

REGULATION OF ISSUANCE OF SECURITIES BY CARRIERS.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

GRANTING PUBLIC LANDS TO THE STATE OF OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

LANDS WITHIN THE FORMER UNCOMPAGRE INDIAN RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompagre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MEEKER. Mr. Speaker, I object.

The SPEAKER. The bill is ordered stricken from the calendar.

Mr. MAYS. Mr. Speaker, I would ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it is getting late in the session and I think we ought to clean up the Unanimous Consent Calendar on bills that have not been on the calendar a long time in order that in the closing days of the session it may be possible upon a call of the Unanimous Consent Calendar to reach bills which have just been put on the calendar. There may be times when we would only have a few minutes, but if we have the calendar clogged at the head there is no chance of getting to those bills. Therefore, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is ordered stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5126. An act giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes;

H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 14978. An act for the relief of Ida Turner;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America;

H. R. 14784. An act for the relief of Alma Provost;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner;

H. R. 14572. An act for the relief of Gertie Foss;

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett;

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brash;

H. R. 3238. An act for the relief of Sarah E. Elliott;

H. R. 1358. An act for the relief of Everett H. Corson;

H. R. 5262. An act for the relief of John B. Hoover;

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 11745. An act for the relief of S. E. Bennett;

H. R. 10173. An act for the relief of Anna C. Parrett;

H. R. 12240. An act for the relief of John Brodie;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia;

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.; and

H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams.

AUTHORIZING THE SIOUX TRIBE TO SUBMIT CLAIMS TO THE COURT OF CLAIMS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

Mr. GANDY. Mr. Speaker, I would ask unanimous consent that this bill be passed over without prejudice.

Mr. STAFFORD. Mr. Speaker, for the reason stated by the gentleman from Illinois, I think this bill should not be retained on the Unanimous Consent Calendar, and I insist on my objection.

The SPEAKER. Did the gentleman from North Dakota make any request?

Mr. GANDY. No; there is none to make.

The SPEAKER. The bill goes off the calendar.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10774) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill goes off the calendar.

ESTABLISHMENT OF A NATIONAL INSURANCE FUND, ETC.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 250) to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. LONDON. Mr. Speaker, I would ask that it retain its place on the calendar.

The SPEAKER. The gentleman from New York asks unanimous consent that the joint resolution be passed over without prejudice. Is there objection?

Mr. MANN. I object.

The SPEAKER. The joint resolution goes off the calendar.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

The SPEAKER. The bill goes off the calendar.

MANUFACTURE, SALE, OR TRANSPORTATION OF MISBRANDED GOODS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10496) to prohibit the manufacture, sale, or transportation in interstate commerce of misbranded articles, to regulate the traffic therein, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. MOORE of Pennsylvania and Mr. MANN. Mr. Speaker, I object.

BALANCE DUE LOYAL CREEK INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9326) to pay the balance due the Loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN and Mr. STAFFORD objected.

The SPEAKER. The gentleman from Illinois and the gentleman from Wisconsin object.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Arkansas [Mr. TILLMAN] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. MANN. I object.

CLAIMS OF FLANDREAU BAND OF SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13165) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects and the bill will be stricken from the calendar.

EXPENSES INCURRED UNDER TREATY OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 649) making appropriation for expenses incurred under the Treaty of Washington.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

CLAIMS OF NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3654) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of North Carolina.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

TABLET TO COL. DAVID DU B. GAILLARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15076) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the memorial amphitheater at Arlington, Va.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MILLER of Minnesota. May I inquire of the gentleman from Illinois—

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and that is the end of it.

Mr. MILLER of Minnesota. I ask him if he will not reserve his objection for a moment.

Mr. MANN. I withhold it.

Mr. MILLER of Minnesota. I have a very deep interest in this. In fact, we all have a deep interest in it in view of the fact that he was one of the builders of the Panama Canal.

Mr. MANN. The gentleman has no more affection for the memory of Col. Gaillard than I have. But I think this is improper.

The SPEAKER. Is there objection?

Mr. MANN. I object.

METROPOLITAN POLICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved Feb. 28, 1901."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

DONATING LAND TO ST. AUGUSTINE, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes the tract of land known as the powder-house lot.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this bill was under consideration on the last unanimous-consent day, and I interposed an objection, but since then I have given the matter further consideration. I recall that some years ago we granted to the city of Baltimore the right to use the abandoned Fort McHenry Reservation upon certain conditions. If the gentleman is willing to incorporate in this bill a provision that in case the War Department should at any time have need for this land, I will withdraw my objection; but I can not allow the bill to pass in its present form. And I may say to the gentleman that in the case of the Fort McHenry Reservation at Baltimore an amendment to that effect was carried as a part of the bill.

Mr. SEARS. Will the gentleman submit the amendment that he proposes?

Mr. STAFFORD. I would suggest to the gentleman that, on page 2, after the word "purposes," in line 5, he offer an amendment as follows: "or whenever the Secretary of War may

determine that the use of said ground is important and necessary for Government purposes."

Mr. SEARS. Of course I prefer that the bill should go through in its present shape; it is only for park purposes; but I will accept the amendment of the gentleman and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. STAFFORD. I will say to the gentleman that I purpose to leave out the word "important," because the word "necessary" will carry the full purposes of the amendment which I have in mind.

Mr. TAYLOR of Colorado. Mr. Speaker, I may say that, having reported this bill from the Committee on the Public Lands, I have talked with a few of the members of the committee, and I am satisfied that they will accept that amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SEARS. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the tract of land situate in the city of St. Augustine, Fla., known as the powder-house lot, heretofore set aside as a military reservation of the United States, and lately abandoned as such military reservation, be, and same is hereby, donated to the municipality of the said city of St. Augustine, in the State of Florida, to be used by said municipality for public-park purposes.

Sec. 2. That the Secretary of the Interior is hereby directed to execute and deliver to the duly constituted authorities of the said city of St. Augustine, Fla., such conveyances as may be necessary to vest the fee-simple title to said powder-house lot in the said city of St. Augustine, Fla., attaching to such conveyances the condition that whenever the said powder-house lot shall cease to be used by the city for public-park purposes, then and in that event title to the said powder-house lot shall revert to the Government of the United States.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 2, line 5, after the comma, insert the following: "or whenever the Secretary of War may determine that the use of said ground is necessary for Government purpose."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

UNALLOTTED LANDS IN BLACKFEET RESERVATION, MONT.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar. The Clerk will report the next one.

COMMUNITY FORUMS, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14816) to provide for the use of the public-school buildings in the District of Columbia as community forums, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. KING. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar.

Mr. OAKLEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Connecticut [Mr. OAKLEY] asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. KING. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next one.

CREEK NATION UNALLOTTED LANDS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 114) withholding from allot-

ment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes.

The title of the joint resolution was read.

The SPEAKER. Is there objection?

Mr. HASTINGS. Reserving the right to object, Mr. Speaker, I wanted to ask if there was any objection on behalf of the committee to eliminating the words "or leased"?

Mr. MURRAY. Yes; I object to that.

Mr. HASTINGS. The words "or leased" on line 3 of page 2, and the words "or lease" on line 5 of page 2?

Mr. MURRAY. Yes; I object to that.

Mr. HASTINGS. I want to say, Mr. Speaker, that a large part of these Indians are in my district, and I am opposed to further leasing of these lands, because I believe it will delay the winding up of their affairs. I have no objection to this resolution being considered, provided those words are eliminated.

Mr. MURRAY. The gentleman can offer his amendment, but I shall oppose it.

Mr. HASTINGS. If that is not agreed to, I shall object.

The SPEAKER. The gentleman from Oklahoma [Mr. HASTINGS] objects. The bill is stricken from the calendar. The Clerk will report the next one:

COMPOSITORS AND BOOKBINDERS, GOVERNMENT PRINTING OFFICE.

The next business on the Calendar for Unanimous Consent was the bill (S. 6626) to fix the rate of pay for compositors and bookbinders in the Government Printing Office.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. COX. I object.

The SPEAKER. The gentleman from Indiana objects. The bill is stricken from the calendar.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. COX. I object, Mr. Speaker.

The SPEAKER. The gentleman from Indiana objects, and the bill is stricken from the calendar. The Clerk will report the next one.

LAND PATENTS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17055) providing when patents shall issue to the purchaser or heirs on certain lands in the State of Oregon.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who have heretofore purchased or may hereafter purchase any of the lands of the Umatilla Indian Reservation in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, and subsequent acts respecting the sale of said lands, shall be entitled to receive patents therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

Sec. 2. That where a party entitled to claim the benefits of this act dies before securing a patent therefor it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to make the necessary proofs and payments therefor to complete the same; and the patent in such cases shall be made in favor of the heirs of the deceased purchaser, and the title to said lands shall inure to such heirs as if their names had been especially mentioned.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DIRECTORS IN BANKS ON STATE BORDER LINES.

The next business on the Calendar for Unanimous Consent was the bill (S. 4256) to amend section 5146 of the Revised Statutes of the United States, so as to permit national banks

located near the boundary line of adjoining States, subject to the discretion of the Comptroller of the Currency, to select only a majority, instead of three-fourths, of their directors from residents of the State in which they are respectively located.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. I object.

The SPEAKER. The gentleman from Pennsylvania objects. The bill is stricken from the calendar. The Clerk will report the next one.

MISSOULA NATIONAL FOREST, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 5082) adding certain lands to the Missoula National Forest, Mont.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following unsurveyed areas which by protraction of the public surveys in adjoining townships would probably be described as section 1, section 2, section 11, and section 12, all in township 9 north, range 15 west; and section 25, section 35, and section 36, all in township 10 north, range 15 west, Montana principal meridian, be, and the same are hereby, included in and made a part of the Missoula National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests.

With a committee amendment, as follows:

Amend, page 1, line 4, after the word "would," by striking out the word "probably."

Mr. MANN. Mr. Speaker, does the gentleman from Colorado think the committee amendment is important?

Mr. TAYLOR of Colorado. No; I do not think it is.

Mr. MANN. Does not the bill truthfully state the case?

Mr. TAYLOR of Colorado. Yes; but the committee seemed to think that to legislate for what would "probably" happen was not very good form.

Mr. MANN. It is probable that it will be so.

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. It is not certain that it will be.

Mr. TAYLOR of Colorado. No. As a matter of fact, the bill is correct the way it is, but the committee seemed to doubt the wisdom of legislating on a "probability." Some one suggested that it would be better to amend the bill.

Mr. MANN. That may be; but that goes to the merits of the bill.

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. Because we are legislating on a probability.

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. You have not described the land, except by what its probable description will be. I do not think it is worth while to send the bill back to the Senate for an amendment that is not important.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that the House disagree to the committee amendment, so that the bill will not have to be returned to the Senate for concurrence.

The SPEAKER pro tempore. The question is on the committee amendment.

The question being taken, the committee amendment was rejected.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, I should like to ask the gentleman from Colorado a question. How much land will be added to the Missoula Forest by the passage of this bill?

Mr. TAYLOR of Colorado. The acreage is given in the report of the Secretary of Agriculture, on page 2 of the report. I think about a township; that is my recollection.

Mr. MOORE of Pennsylvania. How many acres will that be?

Mr. TAYLOR of Colorado. There are usually something like 23,000 acres in a township.

Mr. MOORE of Pennsylvania. Will the gentleman explain the reason for adding that acreage to this national forest?

Mr. TAYLOR of Colorado. It is desired primarily, I apprehend, by the Forest Service. The land has been determined to be suitable for national forest-reserve purposes. The people there are desirous of preserving it in that manner.

Mr. MOORE of Pennsylvania. Do stockmen have any interest in this accretion to the land of this forest reserve?

Mr. TAYLOR of Colorado. I do not think so. There was nothing of that kind apparent before the committee. There is quite an amount of timber on this land that it is desired to conserve. I do not think it is a stockman's proposition at all. Both of the departments—the Interior and Agriculture—have investigated the matter, and both favor this bill; and the people up there and their representatives in the Senate and House seem to favor it.

Mr. MOORE of Pennsylvania. It comes to us from the department?

Mr. TAYLOR of Colorado. Oh, yes; there is a favorable report here from both departments.

Mr. MOORE of Pennsylvania. Is the land wooded now?

Mr. TAYLOR of Colorado. Yes; to some extent.

Mr. MOORE of Pennsylvania. Is it used for grazing purposes?

Mr. TAYLOR of Colorado. It will be used for grazing purposes, certainly, but there are from 5,000 to 10,000 feet of timber to the acre on the land, according to this report.

Mr. MOORE of Pennsylvania. Will the gentleman explain just how it will be dealt out for grazing purposes?

Mr. TAYLOR of Colorado. The same as all other national-forest lands. They are under the supervision of the forest rangers, and permits are granted to stockmen and farmers for a certain number of head of cattle or horses or sheep each year, and the rangers designate the places where the stock shall range. They have absolute control over the range, and they are very cautious not to allow the overstocking of the range. As a matter of fact, we think they are, in some cases, unnecessarily cautious about allowing stock on the range, because, cattle being so high, there is a great demand to put more cattle on the forest reserves everywhere for the increasing of the beef supply—a much greater demand in some cases than the Forest Service will allow.

Mr. MOORE of Pennsylvania. Will the effect of the passage of this bill be to limit the opportunities of those individuals who desire to take up land and establish homesteads on the land?

Mr. TAYLOR of Colorado. Homesteaders?

Mr. MOORE of Pennsylvania. Yes. Will it limit the opportunity of homesteaders to take up lands?

Mr. TAYLOR of Colorado. Yes; I think anyone who knows the workings of the forest reserves in the West will say that the putting of land into a forest reserve does very much impede the settlement of the land by homestead entrymen, as far as that is concerned. It is a pretty hard proposition for a man to get a homestead in a forest reserve these days.

Mr. MOORE of Pennsylvania. What will the Government get out of this when it is leased to the stockmen?

Mr. TAYLOR. It will get a revenue from the grazing permits, and then it sells the timber. The idea is that the land is so much more valuable for forest purposes, for grazing, and for timber sales and timber conservation than it is for possible homesteads that the departments have recommended that it be put over into the forest reserve, and the committee have acceded to that recommendation.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEAD ENTRIES, FORMER FORT PECK INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 5612) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Peck Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. TAYLOR of Colorado. I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. STAFFORD. Reserving the right to object, there are some phases of this question about which I would like to be informed; but it would take nearly half an hour, and I do not think we should take up that time to-day. I have no objection to the bill being passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman that the bill be passed over without prejudice?

There was no objection.

ENLARGED-HOMESTEAD ACT.

The next business on the Calendar for Unanimous Consent was the bill (S. 1061) to allow additional entries under the enlarged-homestead act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, this bill is on the Union Calendar.

Mr. TAYLOR of Colorado. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February 19, 1909, for such an area of public land as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided,* That this act shall not be construed to apply to soldiers' additional homestead entries made under section 2308, United States Revised Statutes, or acts amendatory thereof or supplemental thereto.

With the following committee amendment:

Page 1, line 8, after the word "nine," insert "and an act of June 17, 1910, entitled 'An act to provide for an enlarged homestead.'"

Mr. FORDNEY. Mr. Speaker, I want to ask a question for information. Do I understand that this bill applies to all who may take up homesteads in any State in the Union? That is what the bill says. If so, it is a bad bill.

Mr. TAYLOR of Colorado. This is what I understand the situation to be: At the present time we have a law providing that where a man has taken a homestead of 40 acres or 80 acres, or 120 acres, he may go and take an additional homestead of enough land to make up the amount of 160 acres. In other words, every man or head of a family is supposed to have a homestead right of 160 acres of good land. If he has exercised his right on only one-quarter or one-half or three-fourths of that right, he can take an additional quantity of land under existing law sufficient to make 160 acres. What this bill provides is that where a man has taken, say, 80 acres of good land and consequently has an additional right to take 80 acres more of good land, if he can not get 80 acres more of good land, he may be given the right to take 160 acres of arid land—dry-farming land. The present law requires a man to make up his shortage out of whatever he can get. This bill allows a man, instead of making up his complement of 160 acres out of dry land, to take twice the amount additional of dry land that he would be entitled to if he got good land. If a man has 80 acres and has the right to take up 80 acres more of good land, he can take twice that amount of the dry land. This is simply a matter of common fairness and justice. There is nothing about it that is novel.

Mr. FORDNEY. Does this apply to homesteading the dry lands?

Mr. TAYLOR of Colorado. That is all. This bill simply carries out the principle that was established by the enactment of the enlarged-homestead law. The 320-acre dry-farming law, namely, that 1 acre of good, irrigated land is worth at least 2 acres of dry nonirrigable land.

Mr. MOORE of Pennsylvania. Following up the inquiry of the gentleman from Michigan, I would like to ask the gentleman if it is meant that the man who has 80 acres in Idaho can lay claim to 80 more in New Mexico?

Mr. TAYLOR of Colorado. He can take the 160 acres of the dry land wherever he can find it vacant.

Mr. MOORE of Pennsylvania. He can jump from State to State under this bill?

Mr. TAYLOR of Colorado. He can do that now. If he has only homesteaded 80 acres he can jump from one State to any other State in the Union in order to get his additional 80 acres of good land. He can do that under existing law. But 80 acres of dry land will not support anybody. We want to give a man twice as much poor land as he is entitled to of good land.

Mr. MOORE of Pennsylvania. Would it mean that a homesteader could ask for 40 acres of land in one State, 40 in another, 40 in another, and 40 in another, and so get a foothold in four States?

Mr. TAYLOR of Colorado. No; not at all. This applies only to those who now have under the present law a right to take an additional tract of land sufficient to make up 160 acres. A man only has one additional right. He can not exercise three or four, or even two. There is not enough of good land now

left vacant, and this bill will encourage the settlement of the dry, barren, comparatively worthless land.

Mr. MOORE of Pennsylvania. I understood the gentleman to say that the homesteader could go elsewhere and take up an additional amount of land with the 160 acres.

Mr. TAYLOR of Colorado. Yes; he can go now and do that, but there is not enough good land that he can take.

Mr. MOORE of Pennsylvania. Granted that he has the right to take the 160 acres, is there anything in existing law or in this bill that would limit his right to make a selection within a certain area of a certain State?

Mr. TAYLOR of Colorado. No.

Mr. MOORE of Pennsylvania. There might be considerable confusion if the claimant had the right to take up land in three or four States.

Mr. TAYLOR of Colorado. There can be no abuse under this proposition. The Interior Department is thoroughly in accord with the bill. This is simply giving a man an opportunity to make a home, which he can not do on 40 or 80 acres of land that can not be irrigated.

Mr. FORDNEY. The act referred to here, if I am correct, requires the homesteader himself to take land adjoining his homestead or in that vicinity. This bill permits a man to take land in Colorado and then go into any State in the Union and make up the balance.

Mr. TAYLOR of Colorado. The gentleman from Michigan is misinformed as to the existing law. The existing law is that a man can go to any place in the United States wherever he can find the additional 80 acres or additional 120 acres of vacant land and homestead enough of it to make up his 160-acre homestead.

Mr. FORDNEY. Well, whether that is the law or not, this is a bad bill that permits a man to take up dry land in Colorado and then go into another State of the Union and take up enough more to make up his complement. I will tell the gentleman where he will land. He will throw this excess land into the hands of the land sharks.

Mr. TAYLOR of Colorado. Oh, no. That is utterly impossible.

Mr. FORDNEY. Oh, yes; a law will be passed making such right assignable, as was done in the soldiers' additional homestead.

Mr. TAYLOR of Colorado. Congress will not do that any more.

Mr. FORDNEY. But the gentleman and I may not be here forever, and they will do it, the same as they did in the former case. That is existing law now, so far as additional homestead cases are concerned applying to soldiers of the Civil War.

Mr. TAYLOR of Colorado. That has no application to this.

Mr. FORDNEY. That will be the result in this case if this bill is not so amended as to require the homesteader to locate the additional land in the State where he took his original homestead.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, on page 1, by inserting, after the word "nine," in line 8, the following: "and an act of June 17, 1910, entitled 'An act to provide for an enlarged homestead.'"

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to oppose the bill at the proper time.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. MOORE of Pennsylvania. Mr. Speaker, it looks to me as if there was no good reason why this bill should pass at this time.

The gentleman from Michigan has raised an interesting question which the gentleman from Colorado does not fully answer.

Mr. SMITH of Idaho. Mr. Speaker, if the gentleman from Pennsylvania will permit me, I think I can answer the suggestion raised by the gentleman from Michigan [Mr. FORDNEY]. He wants to limit the entries to the State where the original entry was located. If that amendment were adopted it would bar a great many worthy persons. For instance, many prospective entrymen from the State of Michigan and other Eastern States who have taken 80 acres would be prevented from going to any other State and exercising the right of additional entry which is provided for in the general law, and which is to be extended under the enlarged-homestead law, by this bill; so that the proposed amendment would work a great injustice to a great many entrymen in the older settled States where the public lands have already been entered. This law simply extends the privilege of taking an additional entry under the enlarged-homestead act to settlers who have partially exhausted their homestead rights, many of whom were settlers in the

older States and who desire to go into the Western States and enter the public land.

Mr. MOORE of Pennsylvania. Mr. Speaker, how much more time have I under the rule?

The SPEAKER pro tempore. The gentleman has five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, I shall have to decline to yield, in order that I may make my statement. The gentleman from Michigan [Mr. FORDNEY] raises what I consider to be a very interesting question, if not a vital point, namely, that this may encourage land sharks. Gentlemen from the Western States will laugh at the notion, but it seems to me the purpose of the homestead laws is to enable a man to take up a homestead—not primarily to speculate in land.

Mr. TAYLOR of Colorado. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman tell me why a man who takes up less than 160 acres in Idaho should want to take up an additional number up to 160 acres in New Mexico and attempt to straddle as between the two States? It is possible this would put him in position to hold somebody up. The gentleman may say this is an unfair proposition; but if a man is honestly endeavoring to make a homestead out in Idaho it seems to me the only reason for his taking up an additional piece of land in New Mexico or Nevada or any other State would be to stop somebody else getting it. It may be a little corner 10 acres; it may be 40 acres, or whatever is remaining of the 160 acres which the gentleman indicates every homesteader is entitled to; but just to that extent he may prevent a development in the new location. The law, according to the gentleman from Colorado [Mr. TAYLOR] gives him liberty to go anywhere upon the face of the earth within the United States; and if it does give him that liberty, then he is in position, like many men who get franchises from legislatures, to prevent other people from doing something.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, in the first place, all of the Western States are filled with people from Michigan and Illinois and Kansas and all of the Middle States, as well as the East. They come from States where they have used their homestead rights on 40 or 80 acres, and this is especially true in Kansas and Nebraska and some of the recently settled States. They go out to the West, and when they get there they want to take up another piece of land. They may have lost out at home; they may have become broke. If they go to the Western States, and if we tell them they have to go back to the States, as the gentleman from Idaho [Mr. SMITH] well said, and get this additional land from the States from which they came, it amounts to an absolute denial of right to them. If we also say to them, "You can have 80 acres of good land in this State," they say, "I can not get it and it is not here." That is largely true, and if we put them on 40 acres or 80 acres of dry land, absolutely worthless, you might say, they can not make a living for themselves and family, whereas if they can take 160 acres of this dry land they can. It will be in the State where they live; it will not be the State from which they come, but the State where their home will be. They want the land, and if they can take 160 acres they can make a living. If they are held to 80 acres, they can not; and that is all there is to it.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. Are they required to live on this new land which they take?

Mr. TAYLOR of Colorado. Surely. I understand so. That is my understanding, though I have not read the bill this morning.

Mr. MANN. There is nothing in the bill that requires them to live upon the land.

Mr. TAYLOR of Colorado. I have not read it this morning.

Mr. TIMBERLAKE. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. TIMBERLAKE. This is intended to enlarge the act of March 2, 1889, which allows a citizen from Michigan, as has been suggested by my friend, who has exercised a homestead right upon 40 or 80 acres, because there is no further land in that State, to go into the Western States and complete their homestead rights. Under the act of March 2, 1889, their right to complete their entry only went to 160 acres. If they filed on 80 acres and made proof in Michigan, they can only file on 80 acres in Colorado or in Kansas or Nebraska, where the 320-acre law obtains.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TIMBERLAKE. Yes.

Mr. MOORE of Pennsylvania. A homesteader who located in one State, as indicated by the gentleman, could not live in the other State, could he?

Mr. TIMBERLAKE. He has exhausted his right in Michigan. He goes to Colorado. The law says in Colorado that he can take 80 acres under the act of March 2, 1889, but he must live upon it and comply with the homestead laws in Colorado.

Mr. MOORE of Pennsylvania. My point is that he can not live on these two tracts, and therefore he takes one for speculative purposes, possibly.

Mr. MANN. No; this is the question: Can he, having taken 80 acres in Michigan and then taken 80 acres in Colorado, under this bill take 80 acres in New Mexico?

Mr. TIMBERLAKE. No, indeed; he can not. He has exhausted his right.

Mr. MOORE of Pennsylvania. Can he take it in New Mexico if he has taken less than 80 acres in Colorado?

Mr. MANN. That is the point.

Mr. TIMBERLAKE. He can only have one full entry. If he has taken 80 acres in Michigan and goes to Colorado, under the act of March 2, 1889, he has the right under the present law to increase his entry up to 160 acres only. This law will give him a right to file on 160 acres in 320-acre area instead of only 80 acres.

Mr. MOORE of Pennsylvania. I would like the gentleman from Colorado to make clear how a homesteader in Nevada, living in good faith on the ground—less than 160 acres—he has taken up, can proceed then to take a fraction of 160 acres in some other State. I would like some gentleman to clear that up.

Mr. GANDY. If the gentleman will permit, the act of March 2, 1889, only granted this additional right to those who have completed titles on the original entry, so that the man would have to have a complete title first.

Mr. MOORE of Pennsylvania. The homesteader is obliged to live on the ground?

Mr. TIMBERLAKE. Yes, sir.

Mr. MOORE of Pennsylvania. In good faith.

Mr. TIMBERLAKE. Yes, sir.

Mr. MOORE of Pennsylvania. How can he, a man of small means, live on two or three pieces of ground?

Mr. GANDY. That is the question I answered, that he can not take additional until he has completed title to the original.

Mr. MOORE of Pennsylvania. How can he utilize the second piece of ground if he is living in good faith on the other?

Mr. GANDY. If he has completed title to the original, then he can go where he wants to. He would simply move over to the other one.

Mr. MOORE of Pennsylvania. Can he do it by proxy?

Mr. GANDY. No, sir.

Mr. TIMBERLAKE. He must comply fully with the homestead law as to residence and cultivation on the additional entry.

Mr. MANN. Mr. Speaker, I move to strike out the last word of the amendment. I want to get a little information. Michigan has been referred to. Suppose a man some years ago took a homestead in Michigan of 80 acres. Does not the law as it now exists authorize him to take the balance of the 160 acres in one of the Western States?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. Then does not this law authorize him to take an additional 160 acres where he can find it?

Mr. TAYLOR of Colorado. Oh, no; this law will take the place of his right under the existing law. He can avail himself of either the present law or this one, and not both. It makes the 320-acre law applicable. In other words, he is to be given 2 acres of dry land, if he wants it, instead of 1 acre of good land. Most people would much prefer 160 acres of good irrigated land to 320 of nonirrigable land.

Mr. MANN. Suppose he has taken another 80 acres?

Mr. TAYLOR of Colorado. Then he does not get any right under this law at all. If he has already gotten his full 160-acre right, he can not get any more. This bill only applies to those who have a right to take an additional piece of good land sufficient to make, with what they have already taken, an aggregate amount of 160 acres. Generally speaking, those people can not find such a tract of good land, so we propose to give them twice as much poor land as they are entitled to of good land.

Mr. MANN. Well, suppose he has taken 78 acres, which is not the full 160 acres. He has taken 80 acres, say, 40 years ago. He takes 70 acres in Colorado last year. Now, how much more can he take in New Mexico under this law?

Mr. TAYLOR of Colorado. He can not take any. He has exhausted his additional rights and he is done; that is, this law would not give him any more.

Mr. MANN. He has already taken that.

Mr. TAYLOR of Colorado. Yes; that is true.

Mr. MANN. That is not apparently what the bill says.

Mr. TAYLOR of Colorado. That is the practice. I think the gentleman from Colorado, my colleague Mr. TIMBERLAKE, for many years in the United States Land Office, can answer that possibly more positively than I can.

Mr. MANN. Some years ago when I first came here there were certain private, what we called soldier, rights, where a man had taken a homestead of less than 160 acres, and there were a few cases, not very many probably, where those men or their heirs were entitled to take additional land up to 160 acres. I had several cases in my district of people who had no intention of homesteading the land at all and who sold their rights. Now, Congress does not want to repeat that.

Mr. TAYLOR of Colorado. No; we do not want to permit that any more.

Mr. MANN. Those probably are all exhausted. We do not want ever to give them that right again.

Mr. TIMBERLAKE. Mr. Speaker, it seems to me that this ought to be very clear to all. The homestead rights in the Eastern States allowed a man to take 160 acres in Michigan, we will say, and a man was only able to get 80 acres. He makes final proof of that. He may have disposed of it; he may have lost it; but he has an additional 80 acres coming to him from the United States Government under the act of March 2, 1889. He comes to Colorado. He tells the officers there he has exhausted 80 acres of his 160 homestead right. He offers to file on 80 acres. The department now recognizes that 80 acres taken of land that has been designated under the 320-acre act is not giving him his just right, and therefore they ask by this bill that he be permitted to take twice as much as he was entitled to where he exhausted his prior entry. That is just it. He must comply with all the provisions of the homestead law on this land, and there is not any chance for speculation, suggested by the gentleman from Pennsylvania [Mr. MOORE], at all, because he must comply with all the provisions of the homestead law on this land, and if he should take, as the gentleman from Illinois [Mr. MANN] says, 80 acres in one place he would be entitled to take twice as much some place else. The law provides he can only have one additional entry. That exhausts his right.

Mr. MANN. Let me understand that. Suppose a man took 80 acres in Michigan—using it as an illustration—and has now made another entry for an additional 80 acres in Colorado under the existing law; under the terms of this bill, then, he could simply take 160 acres of dry land instead of 80 acres that is not dry land?

Mr. TIMBERLAKE. Not if he has already filed on that 80 acres in Colorado, I will say to the gentleman. This bill is not retroactive, but on and after the passage of this act such cases would be entitled to take in Colorado twice the area.

Mr. MANN. Well, the bill says any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may take it, and I still think he would be entitled to the privilege in this bill, and I think that is what the bill is for.

Mr. TIMBERLAKE. It would be true if they were entitled to more than one additional entry; but they are not.

Mr. MEEKER. Mr. Speaker, I move to strike out the last two words for the purpose of asking the gentleman from Colorado [Mr. TIMBERLAKE] a question. Suppose the homesteader is now in Colorado and has not proved up completely on this 80 acres; must he remain on that 80 until he proves up his claim and then move to his 160, or can he remain on the 80, with the claim not yet proved up, and get his 160 somewhere else?

Mr. TIMBERLAKE. Under this law it does not provide for a man who is now holding an entry in Colorado or anywhere else. It is for the entryman who comes after the passage of this bill that this provision is for.

Mr. MEEKER. Well, if he now has only a part of that to which he is entitled and applies for more land under this, that does not shut that man out, does it?

Mr. TIMBERLAKE. He has to make proof on whatever he is holding before he is entitled to file for additional land, except the lands are contiguous.

Mr. MEEKER. And move from the present holding to the new claim and prove that up?

Mr. TIMBERLAKE. Yes, sir.

Mr. MEEKER. I might say to the gentleman from Pennsylvania [Mr. MOORE] in explanation that if he had ever seen this land, he could understand why a New Mexico farm would be in Texas the next day. A good wind would blow it over.

Mr. MOORE of Pennsylvania. I have seen this land, and I have no desire to live there.

Mr. FORDNEY. This bill says "any person otherwise qualified who has obtained title under the homestead laws to less

than one-quarter section of land may make entry and obtain title under the provisions of the act entitled," and so forth.

Mr. Speaker, this bill certainly opens a way for speculators and land sharks, absolutely. A short time ago I purchased a piece of land from a party where title had never changed hands; the title was in the original entryman and never changed hands except from the Government to the original entryman, and that entry was made more than 60 years ago, and if this bill passes you are going to permit every man who took land under the homestead laws in any State of the Union to come back now and appeal to Congress to make that right transferable, as was done in the case of soldiers' additional homesteads. You are going to open the way for speculation, and not 10 per cent of the original entrymen will be benefited by such an act. Thus, the men who took up homesteads in the State of Michigan will not go to the Pacific Coast States now and take up an additional 40 acres or 80 acres, or any portion of their original claim that they did not get.

Mr. TAYLOR of Colorado. They will not get it unless they go there and live there.

Mr. FORDNEY. My friend, I will say that in a very short time entrymen who have taken land under the homestead laws will appeal to Congress, as they have in many other cases, in such volume that they will force you into passing a law that will make that right transferable.

Mr. TAYLOR of Colorado. They can not force this Congress to pass that law.

Mr. FORDNEY. They did it in the case of the soldiers' additional homestead entries.

Mr. TAYLOR of Colorado. Well, they do things for the soldiers they would not do for others.

Mr. FORDNEY. What more right has the soldier under his right to take additional land than any other entryman? Because in his original entry the service in the Army was applied on his entry of his homestead. Therefore, if the homestead laws require five years' settlement, whatever time he had served in the Army, not exceeding four years, would be applied on the homestead, and what he had to do was to live on the land for five years less what time he had served in the Army.

Therefore that benefit was given to him that was given to no other entryman, and immediately he came to Congress and asked to make that right transferable, and it is transferable to-day, in the hands of his heirs or their heirs, I will say to my friend.

Mr. TAYLOR of Colorado. I know that the soldier's additional scrip matter has caused a great deal of trouble and is one of the things that has created a great deal of adverse sentiment in public-land matters in the West.

Mr. FORDNEY. Pardon me. The gentleman from Alaska [Mr. WICKERSHAM] some time ago, in speaking of that Alaska fishery bill that was up here, where shore rights were acquired on the shore by the holders of this scrip, said those holders would take unsurveyed lands in Alaska. The gentleman was mistaken on that, but after application is made and the survey of the land has been made, then soldiers' additional homestead scrip will enter that land. You will give additional homesteads to entrymen who have taken lands that have been allotted for more than half a century if you pass this law.

Mr. STOUT. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. STOUT. I would like to ask the gentleman if there will be any more probability of such a contingency arising under this act than under the present act? What would make the difference?

Mr. FORDNEY. I am not clear that the present act gives the right that we are now discussing. Maybe the gentleman has read the law. I have not. I would like to have the law read before we pass this bill, because it refers to an act that we do not have before us. I know that this injustice has been done in the past and is likely to be done again and the land put into the hands of speculators.

Mr. HARDY. Mr. Speaker—

The SPEAKER. Is the gentleman from Texas fighting this amendment of the gentleman from Michigan [Mr. FORDNEY] to strike out three words?

Mr. HARDY. Yes. I wanted to see if I understand this proposition correctly. Some time ago I had a letter from a constituent of mine, stating that his sister had gone into New Mexico under the law and made a homestead entry. She had gone into New Mexico and had been forced to leave her home before perfecting her right. It was held to be forfeited. She took it up with the department, and it is now being reheard.

Now, my understanding of it is that under our homestead law any citizen of the United States, in order to entitle himself to a homestead, has to do certain things, to live on the land a

certain continuous length of time. He did not have to say he was a pauper and had no property elsewhere. He might have had twice the value elsewhere. But if he goes to this public domain and complies with the law he becomes entitled to a homestead there, and the law makes no distinction as to whom it gives the homestead.

Now, if I understand it aright, a man may years ago have taken up a homestead in Michigan. He complied with the law until he perfected his title. He sold that land for cash, and takes the cash with him and goes to the far West. As I understand it, he is entitled, just as though he had never preempted a single bit of land, to enter again and get more homestead rights. That is what I want to know about.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HARDY. Yes.

Mr. SMITH of Idaho. He can enter additional land only between 160 acres and the amount he originally entered. He can only take up the difference between what he has entered in his former homestead and 160 acres.

Mr. HARDY. Then, in order to do that, he must have perfected his right to the land that he has already got and must live upon the remaining land that he proposes to enter, so that he gets what he is entitled to under the law, and no more, and that by fully complying with the law as to all of it and each part of it.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. HARDY. Yes.

Mr. NORTON. The gentleman is using the words "pre-empted" and "homesteaded" indiscriminately. If a man has made homestead entry and proof on 80 acres, under the present law he would be entitled to take up another 80 acres under the homestead law anywhere in the United States, but he would not be entitled to take any additional land under the enlarged-homestead act, which permits an original homestead entryman to make entry on 320 acres of land. That is the defect that this legislation is intended to cure.

Mr. HARDY. In other words, this legislation is intended to give the original settler the full amount of homestead he was entitled to, but he must live on the land in order to be entitled to it?

Mr. NORTON. No; that is not right.

Mr. HARDY. I would like to get a proper understanding of it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. HARDY. Yes.

Mr. MONDELL. A former entryman of less than 160 acres—that is, a man who may have entered and perfected title to 40 acres, or 120 acres, or 140 acres—is, under the homestead law, entitled to make an entry of enough land which, added to his original entry, will make 160 acres.

Mr. HARDY. Right there I want to ask a question.

Mr. MONDELL. Very well.

Mr. HARDY. Can he make his entry on 60 acres, the remaining part of the 160, without going and living on that 60 acres?

Mr. MONDELL. No. He must comply with all the provisions of the law.

Mr. HARDY. He can not make the second entry until he has perfected his title to the first?

Mr. MONDELL. There is a law under which he can make additional entry before he has perfected the first entry, but that would not be affected by this legislation.

Mr. HARDY. What I want to get at is: He is not allowed to just hold some land over here and at the same time take up other tracts in different places without living on it and otherwise complying with the law; so that if residence is one of the requirements, as it is, he can not homestead two pieces of land in different localities at the same time. If he could do that, he could settle and live in one place and use the rest of his claim to speculate on.

Mr. NORTON. This legislation does not contemplate that.

Mr. MONDELL. The only change that it makes in the law that has been on the statute books for many years is that a former homestead entryman, in taking his additional land, may secure of the comparatively poor lands that are left twice the acreage that he could heretofore have secured.

Mr. HARDY. But whenever he takes any new land he has got to live on it and comply with the law?

Mr. MONDELL. That is the intent of this act, although I am frank to say that that is not very clear from a hurried reading of the act.

Mr. HARDY. It ought to be clear.

Mr. NORTON. Will the gentleman yield?

Mr. HARDY. Certainly.

Mr. NORTON. I shall endeavor to state to the gentleman, briefly, what this legislation contemplates. For illustration, say that a man has made proof upon 120 acres of land under the homestead law. Under the existing law he has a right to go out anywhere where there is land subject to homestead entry and take up a sufficient amount to make a total of 160 acres. That is, a man who had already homesteaded 120 acres would be entitled to take up 40 acres additional.

Mr. HARDY. Yes.

Mr. NORTON. This legislation permits him to take up 80 acres under the enlarged homestead act. Under existing law he is not permitted in a case of that kind to take any land under the enlarged homestead act. The enlarged homestead act permits one to take up, instead of 160 acres as an original homestead, as much as 320 acres, or twice the area. That is all this does. The gentleman from Michigan [Mr. FORDNEY] seemed to think this legislation would give room for fraud and for speculation in public lands. It will not permit this at all, because the last provision in it eliminates the question of additional homestead entries under soldiers' rights. If soldiers' additional homestead entries were included in this, it might give room for speculation and fraud.

Mr. HARDY. As I understand it, in the case used by the gentleman for illustration, the additional 40 acres, which under this bill would be converted into 80 acres, can only be obtained by going and living on that land and complying with the homestead law in every particular?

Mr. NORTON. The gentleman is right. There is no question about that.

Mr. TIMBERLAKE. Absolutely.

Mr. HARDY. That is what I want to bring out.

The SPEAKER. The pro forma amendments are withdrawn. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MORGAN of Oklahoma: Page 1, lines 10, 11, and 12, after the word "when," strike out the words "one-half of" and "one quarter section" and insert in lieu thereof the words "three hundred and twenty acres."

Mr. TAYLOR of Colorado. What is the effect of that amendment? What is the gentleman trying to do?

Mr. MORGAN of Oklahoma. Mr. Speaker, I am in favor of this bill, provided it can be amended so that it will be more liberal. I think it ought to be enlarged, so that a man who has made an entry of 160 acres should be permitted under this 320-acre act to make another entry, which, with the land already entered, will not exceed 320 acres. As I understand this provision, if a man has made an entry of 160 acres anywhere, he can not make an entry at all under this bill.

Mr. TAYLOR of Colorado. No; this bill does not apply to him at all. I am very much afraid the gentleman is going to load this matter down with something that the House will not agree to, and that we ought to take up his proposition in some other bill.

Mr. MORGAN of Oklahoma. I have had a good deal of experience and observation about the settlement of our country under the homestead law. I think that Congress is not pursuing the right policy. I have no sympathy whatever with the idea as expressed by the distinguished gentleman, my good friend from Michigan [Mr. FORDNEY], and by my friend from Pennsylvania [Mr. MOORE]. I believe that Congress ought to-day to give every man who has made a homestead entry and acquired title to it under any law the right to make a new homestead entry. I believe we ought to pursue a policy that will encourage the development and settlement of the western country. It is a fact known to us all that the lands still remaining on the public domain are in the arid regions. We have recently passed what is known as the 640-acre homestead act. Yet a man in Oklahoma or Kansas or Nebraska or any other State in the Union, who has made an entry of 160 acres, can not make entry under this 640-acre homestead law.

The fact of it is no class of our citizens have contributed greater service to this Nation than the men who have gone out on the frontier and made homestead entries, and improved those western lands, and made the West what it is to-day. In the debate on the revenue bill last week I called attention to the amount Oklahoma was contributing to the support of the National Government by direct taxes. That illustrates what the pioneers in a new country add to the strength, greatness, and power of this Nation. How are we going to people the great West? I think there are nearly 500,000,000 acres of public land in the arid region. When a man has rendered a service

to his country by going out and entering 160 acres of land, and remaining on it for five years, he and his family enduring the sacrifices that have been necessary to make that country what it is, why should we penalize that man, and say, "You have contributed a service to your country, but you can not have another opportunity to enter land"? Where is the injury in allowing him that opportunity? Where is the wrong? Why do not the people in our great cities in the East go out into the West and take up these lands? To those who are willing to make these sacrifices the opportunity should be offered.

Mr. MONDELL. Mr. Speaker, the House could adopt the amendment offered by the gentleman from Oklahoma [Mr. MORGAN] and not go any further than it has already gone in the matter of providing second homestead entries. At the time the enlarged 320-acre homestead law was presented to the House attention was called to the fact that that law was so worded that any qualified homestead entryman might have the opportunity to make a full entry under the act. For 30 years or more—yes; for 40 years—there has been but one interpretation of the words "qualified homestead entryman." The department had held during all that period of time that anyone who had perfected his title to less than 160 acres was held technically a qualified entryman. We brought the 320-acre bill before the House with the statement that the language we were using entitled anyone who had made an entry prior to that time of less than 160 acres to make a full 320-acre homestead under the law. The bill became a law, and for something more than a year the department allowed all qualified entrymen on their former interpretation of that term who applied to secure a full 320 acres. Then the department unfortunately modified its interpretation of that definition to include all who had not secured 160 acres, even though they had secured four continuing 40-acre subdivisions. That interpretation going so far afield led some officials of the department to hold that that was an unusually liberal interpretation of the term "qualified entryman." Then the department, instead of going back to its former interpretation, swung to the other extreme, and held that from that time forward a qualified entryman should only apply to those who had never made and perfected a homestead entry of any size.

The result is that since the change of the interpretation parties have not been able to make entries under the 320-acre law unless they could show that they had never perfected a homestead entry of any size. Now, the gentleman from Oklahoma proposes to give all who have not heretofore made a full 160-acre entry to secure at least 320 acres of this comparatively worthless remaining land. And he is right about it. No one makes so good a homesteader as the man who has tried, and no one makes so good a homestead entryman as the man who has tried it once among the trying conditions of Oklahoma. The man who at one time or another has gone on the public domain and met the difficulties, trials, and incidents of homesteading in a new country secures an experience that is of very great value to him when he makes the attempt, as it must be made now if at all, under still more trying conditions and difficulties than those employed in the first entry. There are many people in Montana and Nebraska and Oklahoma, in Missouri and Iowa, and in the States east of the mountain regions who, under the provisions of the act securing a 320-acre homestead, would make splendid citizens, splendid homesteaders, just the sort of people we need to conquer that remaining semiarid country and build up homes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that all debate close in five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that all debate close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Speaker, concerning the amendment offered by the gentleman from Oklahoma, it seems to me that he is going on the hypothesis that this homesteading of Government land represents a service and not a privilege. We are perfectly willing, we are glad, to have foreigners in our country contribute to our welfare by doing work. We consider that a benefit to us, but we do not permit them the privilege of homestead entry. If we are going on to permit the duplication of this privilege of homestead entry, why not go on and generate a class of professional homesteaders? I have no doubt they would become extremely efficient, and after they had carried out the process through 15 or 20 years would be more proficient in making good their rights and selling their property than other citizens. It seems to me, if we are going to pursue the homestead policy as a right and a privilege, it ought to be broadly spread over the people of the country and not be subject to perfecting a temporary homestead to-day and selling it out to-morrow and then doing it over again, which is what is contemplated by the amendment offered by the gentleman from Oklahoma. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 12, after the word "section" insert a semicolon and the following: "Persons who have made entry of 160 acres in what is known as the public-land strip in Oklahoma shall be entitled to make entry under the foregoing act notwithstanding any former entry they may have made."

Mr. STAFFORD. Mr. Speaker, I make the point of order that that is not germane. It is clear that the bill under consideration is a general law and applies to all limited homesteaders in the country. The gentleman's amendment proposes to grant a special privilege to one class in Oklahoma. The precedents are numerous that you can not tack an amendment for a special class onto a bill of a general character.

Mr. MORGAN of Oklahoma. Mr. Speaker, I think the gentleman is mistaken very much in his view of what is germane. This bill provides for certain additional homestead entries. The bill says:

That any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions of the act entitled "An act to provide for enlarged homesteads," approved February 19, 1909.

Now, this is not a general law because it applies only to persons who have obtained title to less than a quarter section of land.

The SPEAKER. It is a general law to that extent, is it not?

Mr. MORGAN of Oklahoma. It would apply to all persons who had obtained a title to less than a quarter section, but it is not general in that it applies to all persons who make homestead entries, and it only applies to persons under certain specific acts. It only lets in a restricted number, and the amendment I offer, of course, puts an additional class into the bill, so that persons who made an entry under a certain portion of Oklahoma would be allowed to make an entry under this act.

The SPEAKER. Does the gentleman think that if he were to offer an amendment that the people of Kay County, for instance, should have an extraordinary right under this bill it would be germane?

Mr. MORGAN of Oklahoma. Mr. Speaker, this bill gives to certain men extraordinary and peculiar rights not given to other men. If you limit the bill to men who have made entries to less than one-quarter section, why could you not enlarge it by adding additional entrymen? Why could you not strike out the words "less than a quarter section" and leave it without any limitation at all? This enlarges this act by bringing in men who made entry under a certain other act.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. BURNETT. Suppose the gentleman's amendment read that Bill Jones or John Smith should have the right. Would not that be the same thing exactly?

Mr. MORGAN of Oklahoma. No; because the men who made the entry under the public-land strip made entry under a specific and definite law, just like the man who made the entry under these acts enumerated. The public-land strip, I will say, is what is known as No Man's Land. It is that strip of land that extends out into the semiarid region beyond the main part of Oklahoma, a strip 160 miles long and 35 miles wide. It is out in that western region, and the entries upon that land have been made under special act, not under the general law. My amendment proposes to give the man who made entry under this special act, which brought in this public-land strip, or No Man's Land, the rights and benefits of this law, and it enlarges their rights.

Mr. MONDELL. Mr. Speaker, it may be true that under the rules it would not be germane to attempt to amend a general homestead law with an amendment of this kind. I am not sure about that, but this is not a general homestead law. This is a homestead law applied to certain classes of cases. It allows homestead entries under certain designated laws, not under all the homestead laws, but under certain laws that apply only to certain designated and selected regions. All that the gentleman from Oklahoma [Mr. MORGAN] has done is to include another class. Clearly he could have amended this bill so as to have allowed this privilege under more of the homestead laws than the two referred to in the bill. Clearly he can bring within the provisions of those two laws another class of homestead settlers.

The SPEAKER. That is true, but the trouble about this amendment is that it is not a general proposition, but applies just to people who live in four or five counties.

Mr. MONDELL. The privilege granted is not a general homestead privilege, it is a homestead privilege applied to lands that are designated under two certain laws. It does not say so, but that is the effect of it. It applies only to two certain homestead laws. It does not apply generally upon the public domain. There is a territory in Oklahoma farther west than the balance of Oklahoma where the lands were dryer, where the conditions were similar to the conditions to which these two homestead laws apply. The gentleman from Oklahoma provides that a settler who lived in those arid portions of Oklahoma may have privileges that do not apply to those who made entry in the humid or semiarid portions of Oklahoma.

The SPEAKER. Does the gentleman think an amendment giving the people of Wyoming an extraordinary chance to get these lands will be germane?

Mr. MONDELL. It would be germane applied to certain portions of the public domain.

Mr. TAYLOR of Colorado. You could not just apply it to two or three counties.

The SPEAKER. The Chair sustains the point of order.

Mr. MORGAN of Oklahoma. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read. The Clerk read as follows:

Page 1, line 3, strike out the words "otherwise qualified" and in line 4 strike out the words "less than," so that as amended the paragraph will read:

"That any person who has obtained title under the homestead laws to one-quarter section of land," etc.

Mr. MORGAN of Oklahoma. Mr. Speaker, this amendment comes down to the real merits of the proposition. If this amendment were agreed to, it would permit any person who has heretofore made a homestead entry to make a second entry under any of our homestead laws, including the 320-acre and the 640-acre homestead act. This, I think, should be the policy of this Government. The men who have made this country largely have been the men who have gone out upon the frontier and entered our public lands. Our remaining public lands are undesirable, and in order to induce men to go out and enter upon these lands we have enlarged the homestead law so that a man can make entry to 640 acres of land. I believe he is not required to reside upon the land, as he was once. But men who have made entries in Oklahoma and other Western States are not permitted to make entry under this act.

Mr. TAYLOR of Colorado. This would simply make it a straight double-entry homestead proposition?

Mr. MORGAN of Oklahoma. Yes.

Mr. TAYLOR of Colorado. The House has refused to do that a good many times. Why does the gentleman want to kill a good bill that is perfectly proper by tacking on something that the House is not ready to accept? The next thing that will happen, somebody will be making the point of no quorum.

Mr. MORGAN of Oklahoma. I hope we will not kill a good bill, I certainly have no desire to do that; but the mere fact that this House may have at some other time refused a right policy should not deter the gentleman from Colorado, who understands the proposition, nor any other Member of this House, from presenting what he thinks should be a correct policy for the National Government at the present time, we should on every appropriate occasion, at every opportunity, and in every way in our power advocate policies which we think are right, just, and proper, regardless of what may be the views of other gentlemen. I do not think the 640-acre homestead act was just to homestead entrymen of Oklahoma and other States of the Union. A part of Oklahoma is in what is known as the semiarid region. Men have gone out there and made homestead entries. Many of them have lost those homestead entries because of the trials and hardships they had to endure. Some have lost their lands through lack of means, for want of money, some have lost their lands through other misfortunes. Whatever may be the cause they are now homeless and landless. You now refuse to permit them to make a second entry. But leaving out the just claims of my constituents or the claims of tens of thousands of homestead entrymen, I offer this amendment and support it with all earnestness upon broad national grounds. We have 500,000,000 acres of unoccupied public lands. These are in the main undesirable public lands. They cover a vast area of the Western States. They have been open to settlement for half a century, but have had no takers. Why should they not be offered to those who have had entries? The homestead law has been in force over half a century. So far no one who has perfected a homestead entry by five years' residence has been allowed to make a second entry. Why not extend to these men the right to make a second entry? These are extraordinary times. Dangers and perils confront us. We know not what the

future may bring. We do know the lands of the West should be occupied, cultivated, and made fruitful and productive.

I am in favor of giving men the right to make homestead entries on the remaining public lands regardless of former entries. The reason for the old rule that a man should be allowed but one homestead entry does not now exist. The choice lands have been exhausted. It is not now so much a privilege to make a homestead entry. The man who now enters a tract of public land and complies with the law in acquiring title thereto is in reality assuming a burden; he is undertaking a service to the country. Why should we not permit those who have made entries heretofore to come forward now and participate in this service? The Government has nothing to lose. It has everything to gain. The time has come for the Federal Government to inaugurate a new homestead policy—a broad, liberal, comprehensive, just policy. Do justice to the homesteaders of western Oklahoma, western Kansas, and western Nebraska, and of other Western States, and at the same time adopt a policy that will promote the settlement of our millions of acres of unoccupied public lands, make them productive, and thus contribute to the growth and development of the West, and thereby add to the strength of the Republic and the welfare of its citizens.

Mr. MANN. Mr. Speaker, we are considering the unanimous-consent calendar, where bills come before the House by unanimous consent. It has never been considered that it was very good practice in the consideration of bills on the unanimous-consent calendar to introduce entirely new propositions. Certainly if bills unobjected to are to get before the House by unanimous consent and new propositions are sprung on the House, there will not be quite as much leniency about letting such bills come before the House by unanimous consent as there is now, and I do not think there is any too much now. If I had not been called out of the Chamber by consultation of a matter with the Speaker when this bill came up, I should have objected unless I had been assured that just this sort of thing would not take place.

Mr. TAYLOR of Colorado. Will the gentleman permit?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. Mr. Speaker, I would ask the House to disapprove this amendment. I do not want to jeopardize the passage of this bill. It is not proper to try to put this amendment on this bill. The committee did not authorize it or warrant it or desire any modifications of the bills we bring in here under unanimous consent; and, regardless of the merits of the matter, the House is not in favor of this proposed legislation, and Congress is not at this time, and I ask that the amendment be disagreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. TAYLOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

FLATHEAD INDIAN RESERVATION, IN THE STATE OF MONTANA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1059) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The bill is stricken from the calendar.

PATENTS ON RECLAMATION ENTRIES.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Idaho? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the proviso to section 1 of the act of August 9, 1912 (37 Stat., 265), entitled "An act providing for patents on reclamation entries, and for other purposes," be amended to read as follows:

"Provided, That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate."

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS FOR RESERVOIR PURPOSES, TWIN FALLS, IDAHO.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1740) to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Cox). Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, be, and the same is hereby, repealed, and the grant thereby made to the city of Twin Falls, Idaho, for the benefit of said city is hereby revoked and declared of no effect.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC ROADS IN COLORADO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11258) to provide for the sale and development of certain public lands and for the construction and maintenance of public roads.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Just a moment. The Senate on the 2d of this month passed a bill, S. 865, which is the substance of this act. It is pending now, I presume, on the Speaker's table.

Mr. MANN. The gentleman is correct about that. This gives away only 250,000 acres to the different States. The Senate bill, I believe, passed in a moment of generosity, gives 500,000 acres to the different States. They do not include the District of Columbia.

Mr. TAYLOR of Colorado. It is the same kind of a bill, I know.

Mr. STAFFORD. In view of the suggestion of the gentleman from Illinois, who is always well informed, I presume the bill will be taken from the Speaker's table and referred to the Committee on the Public Lands.

Mr. MONDELL. The gentleman from Colorado [Mr. TAYLOR] is altogether too modest.

Mr. TAYLOR of Colorado. I think I am, for that matter; but we have to be very modest in order to get anything from this House.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

NONMINERAL ENTRIES IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (S. 1064) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

STOREHOUSE AT BENICIA ARSENAL, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 762) providing for the construction and equipment of a storehouse at Benicia Arsenal, State of California.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

Mr. CURRY. Mr. Speaker, will the gentleman withhold his objection in order to permit me to make a statement?

Mr. STAFFORD. I withhold the objection.

Mr. CURRY. The Benicia Arsenal is the only arsenal west of Rock Island, Ill. It is the depot of supplies for one-third of continental United States, for the Territories of Alaska and Hawaii, and for the Province of Guam and the Philippines. Last year there were received nearly 6,000,000 pounds of ordnance supplies, and over 5,000,000 pounds were dispersed. They have not the storehouse facilities to properly protect the ordnance supplies from the weather and from fire. In 1912 a fire destroyed the warehouse at the Benicia Arsenal, and \$1,600,000 worth of ordnance supplies were destroyed. Since that time the department has been trying to have a new warehouse constructed. The old warehouse is situated on a hill half a mile from the railroad and 150 feet high. All of the ordnance supplies have to be hauled from the railroad up this hill to this warehouse and over the arsenal to different places of deposit, and with no proper warehouses to receive it. This bill authorizes the construction of a \$200,000 fireproof warehouse to be built down on the flat, where the spur track of the railroad can run up to it and where the supplies can be taken from the railroad cars and put into the warehouse, and from the warehouse onto the cars and onto the ships by machinery. The ordnance supplies at the Benicia Arsenal are still unprotected from fire. A fire is likely to occur there at any time that will destroy five or six hundred thousand dollars' worth of United States Government supplies. The construction of this warehouse is a cheap and economical proposition. It has been approved by the department; it has been recommended unanimously by the Committee on Military Affairs, and I hope the gentleman will withdraw his objection.

Mr. STAFFORD. Reserving the right to object, this proposal is a matter that has been considered by the Committee on Appropriations. It is one that properly belongs to that committee and not to the Committee on Military Affairs, and, therefore, Mr. Speaker, I will have to object.

Mr. CURRY. Mr. Speaker, I introduced an identical bill two years ago on this very proposition, and I wish to explain that I had the bill referred to the Committee on Appropriations, and asked for a hearing before that committee, and the chairman told me he would not give me a hearing because the bill had no right there; that the appropriation was not authorized by law, and they could not make the appropriation, and suggested this very course.

Mr. MANN. If the gentleman from Wisconsin [Mr. STAFFORD] will permit, the Committee on Appropriations does not have jurisdiction.

Mr. STAFFORD. It has the jurisdiction over the appropriation but not over the authorization.

Mr. MANN. Such an item in the Committee on Appropriations would be subject to a point of order. So the Committee on Military Affairs has proper jurisdiction of the bill.

Mr. BORLAND. The gentleman from California is probably aware that the Chief of Ordnance, who has charge of this Government arsenal, has a comprehensive plan in regard to the enlargement of the arsenals?

Mr. CURRY. Yes.

Mr. BORLAND. And that comprehensive plan does not embrace the enlargement of arsenals that are very close to the seashore?

Mr. CURRY. No.

Mr. BORLAND. It embraces the gradual bringing of our arsenals and our storehouses into the interior of the country?

Mr. CURRY. Yes.

Mr. BORLAND. And for that reason does not the gentleman think it would be better to consult the plan of the Chief of Ordnance rather than to introduce these bills on the Unanimous Consent Calendar?

Mr. CURRY. I not only consulted the Chief of Ordnance, and not only submitted this bill to him before introducing it, but it was also sent over to the War College and was approved unanimously by the War College. The proposition of the new plans as to arsenals is for the manufacturing arsenals. This is a storehouse.

Mr. BORLAND. Also for the storehouses.

Mr. CURRY. This is for the storehouse, unanimously approved by the War College, approved by the Chief of Ordnance, approved by the Secretary of War, and unanimously approved by the Committee on Military Affairs. It is simply a storehouse. You have got to have a storehouse out there to receive and disburse munitions and ordnance supplies. There must be a storehouse there. The United States Government owns 339.7 acres of land. They have the organization to handle this stuff. It is being handled; it is being shipped there; it is being stored

there. It is subject to the weather and is not protected from fire. This would protect it from the weather and protect it from the fire, while it was there waiting to be shipped to Alaska, the Philippines, Guam, Hawaii, and to Arizona, Nevada, California, Oregon, and other States.

Mr. BORLAND. The gentleman is still arguing the merits of this bill, dissociated from any plans of the Ordnance Department. I simply suggest to the gentleman that the bill go over. Otherwise we will have to object to it.

Mr. CURRY. This is the third time the bill has been reached without being called up for action by the House. I hope there will be no objection to it.

Mr. BORLAND. There will be objection to it unless the gentleman allows it to go over.

The SPEAKER pro tempore. Is there objection?

Mr. CURRY. Mr. Speaker, I ask that it go over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

GAME SANCTUARIES IN NATIONAL FORESTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17381) to establish game sanctuaries in national forests, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I want to say that when a similar bill to the one now before us was introduced I objected to certain provisions in it and a hearing was had. Later on the bill now before us was introduced and the former bill withdrawn or abandoned. This bill omits the provision which constituted the principal objection I had to the legislation. The original bill provided for the creation of game sanctuaries in the forest reserves upon the approval of the governors of the States. I objected to that, and the present bill provides for the creation of game sanctuaries only upon the approval of the State legislature through joint resolution.

In view of that change in the character of the legislation I should not feel under obligations to object to its passage were it not for the fact that the legislature of my State has recently passed a resolution in the nature of a memorial to Congress against any legislation of this character.

Mr. HAYDEN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAYDEN. Was your legislature opposed to any kind of a sanctuary bill, or was it where a sanctuary could not be established in the State of Montana unless they passed that legislation?

Mr. MONDELL. I do not know anything about the State of Montana.

Mr. HAYDEN. I mean the State of Wyoming.

Mr. MONDELL. But I made it clear to the members of our legislature that, so far as I was concerned, the matter being now left to the legislature under this bill, I should not feel that I was justified or warranted in strenuously opposing the legislation, though I doubt its wisdom. But with full knowledge of the change in the bill and of the provisions of the present act, our legislature memorialized Congress against any legislation of this kind.

Mr. HAYDEN. If the gentleman will extend his remarks, and print that memorial in the Record, I would like to read it.

Mr. MONDELL. If I receive it to-day, I will ask unanimous consent to print it in connection with my remarks.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I object.

The SPEAKER pro tempore. The gentleman from Wyoming objects. The Clerk will report the next bill.

RELIEF OF SETTLERS ON UNSURVEYED LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, there is no adequate report on this bill to give any person a clear idea of what its purpose is. The letter that is printed here from the Secretary of the Interior refers to a report on a Senate bill of a prior session, but the report is not inserted. I suggest that the matter go over without prejudice. The report is very inadequate to convey any clear idea of the purpose to

be accomplished by the bill. The letter referred to a report in a prior Congress, and yet the report is not incorporated.

Mr. FERRIS. The report is quite full here, and the committee is unanimous in its favor.

Mr. STAFFORD. Is not the House entitled to know the facts, and should not the report give a full idea of the purpose of the bill?

Mr. FERRIS. The gentlemen from Washington are very anxious about it, and the report is very full and complete. I will say I did not report the bill.

Mr. JOHNSON of Washington. Mr. Speaker, there are two reports, and the report which was made in connection with the bill now pending refers to the report of the Secretary of the Interior, which was made on February 15, 1915, at the time Senate bill 6268 was under consideration. The necessity of this legislation is that it affects a number of men located on certain wrong sections in a tract granted to the Northern Pacific Railroad Co. before that tract was surveyed, and who, after it was surveyed, found themselves on the wrong sections. The necessity for some form of relief has long been apparent, and the department itself suggested a form of bill, which is, in fact, the bill which has passed the Senate and is now here for consideration.

Mr. STAFFORD. Congress passed some years ago a similar provision, if the gentleman will permit, that relieved settlers who entered prior to February 1, 1908. Relief is now sought for settlers who located since that time, up to July 1, 1913. But there is nothing in the report to give any Member any idea of what is the need of this relief. If the report is comprehensive, I suggest that the gentleman insert it in the RECORD. Then the bill will be reached two weeks hence.

Mr. JOHNSON of Washington. By oversight, but through no fault of my colleague, Mr. LA FOLLETTE, who presented this report, but who can not be present on the floor at this hour, the first letter from the Secretary of the Department of the Interior, made during the Sixty-third Congress, was not added to the report on the bill now pending. The report refers to it, and if the gentlemen will indulge me I can read it in less than five minutes. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1915.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: In response to your request for a report on S. 6268, I have the honor to submit the following:

The bill proposes to so amend the act of July 1, 1898 (30 Stat., 597-620), that its provisions shall apply in all respects to purchases, settlements, and claims made prior to July 1, 1913.

During the present Congress there have been introduced and are now pending several bills having for their object the relief of persons who settled after January 1, 1898, on lands claimed by the Northern Pacific Railway Co. under its grant. The first of these bills, S. 2801, in its main features, was the subject of an adverse report by this department on December 18, 1913, but in one respect the propriety of an amendment was recognized therein, it being said:

"Instances have occurred wherein settlers since this date (Jan. 1, 1898) have gone upon unsurveyed lands within the company's grant in entire good faith and made valuable improvements without any means of knowing that they were on railroad sections. In such cases, if the company refuses to relinquish, the claimants are without means of relief. This class of settlers, whose claims rest upon settlements prior to July 1, 1913, should be given the same right of election as is now provided under existing law in cases of settlement prior to January 1, 1898; and that is the extent to which legislation in its nature supplementary to the act of July 1, 1898, supra, as the present bill is, should be enacted."

A similar report and recommendation were made on S. 3087, which was substantially identical with S. 2801.

On April 8, 1914, S. 5181, "For the relief of settlers on Northern Pacific Railroad lands, and for other purposes," was introduced. This bill, which is identical with the act of July 1, 1898, with the exception that the words "to July 1, 1913," are inserted in place of the words "to January 1, 1898," where they occur therein, was recognized as accomplishing the purpose contemplated in the suggested supplemental legislation made in the report on S. 2801, and therefore received a favorable report April 23, 1914.

The present bill, S. 6268, while it does not recite the whole act of 1898, would, if adopted, have the same practical effect as S. 5181; and if further consideration of this subject had not given rise to serious doubt as to the propriety of the former recommendation, it would have received the same favorable action.

The suggestion of amendatory legislation in the report on S. 2801 was made to correct what was believed to be a failure in the original act to provide adequate protection for the settler, subsequent to January 1, 1898, on unsurveyed lands, a condition emphasized in the decision of this department in the case of the Northern Pacific Railway Co. v. Violette (36 L. D., 182), reaffirmed in the case of Arthur Gilfeather October 29, 1914, after a careful review of the principles therein announced.

The provision in the act of 1898, in respect to settlement on unsurveyed lands after January 1, 1898, is found in the third proviso, as follows:

"That whenever any qualified settler shall in good faith make settlement in pursuance of existing law upon any odd-numbered sections of unsurveyed public lands within said railroad grant to which the right of such railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior, and a

due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee, or its successor in interest, as hereinbefore provided, and patents shall issue therefor."

Construing this language, this department held that—

"To these individual claimants the act does not extend the right of election and transfer of the claims to other lands, and it seems clear that they are not of the class required to be listed with a view to demanding relinquishment of the railway company. The contention of the company that to hold it bound to relinquish in favor of such settlers would amount to an open invitation to settle upon its unsurveyed lands with a guaranty of protection, with a resulting cloud upon the company's title, and, perhaps, a bar to the disposal of its lands, is not without force, and after a most careful consideration of the entire act the department is of opinion that the proviso above quoted merely extends a privilege to the company to select other lands for such as it may relinquish, upon such favorable terms as should reasonably induce the relinquishment, and thus protect the settlement made at a time when it could not be reasonably told whether the settler would fall upon an odd-numbered or even-numbered section."

It was this inequality in the right of transfer, as between the settler and the company, which the department undertook to remedy by the proposed amendatory legislation, believing that the principal argument found in support of the doctrine announced in the Violette case would be removed if the act should be limited to settlements made prior to its enactment.

It is now believed, however, that the general extension of the act of 1898 was not, and is not, necessary to secure this result. If the amendment be restricted in terms to the third proviso as above quoted, make the same applicable to lands in the primary limits only, giving the right of election to the settler and an equal right of transfer to both parties, ample relief will be secured to bona fide settlers prior to survey. For, as pointed out in the report on S. 2801, there is no occasion for extending the right of election to the settler in cases of settlement prior to survey on lands within the indemnity limits, for unsurveyed lands being subject to settlement the homestead claimant is protected in his right, while under its grant as now construed such lands are not open to selection by the railway company; and consequently no conflicting claim of the company can arise that would jeopardize the right of an actual settler prior to survey.

Even a restricted extension of the present provisions of this act as above suggested carries with it possibilities in the way of speculative claims which should not be overlooked. The original act was addressed to conditions existing at the time of its passage, *Humbird v. Avery* (195 U. S., 480), and offered no inducement to settlers to occupy unsurveyed odd-numbered sections under the belief that they might in some manner secure a right thereby. This line of legislation, however, unavoidably suggested a possibility of its later amendment to include claims arising since the passage of the original act, and hence not within its provisions. Claims of this character can not be regarded as initiated in good faith, for it is not believed that the intention of Congress went beyond the purpose of protecting the settler against an honest mistake as to the land upon which he made his settlement. Cases have been brought to the attention of this department where settlers have gone upon unsurveyed lands within the primary limits of the grant, but lying adjacent to surveyed lands, the proximity of which seems to have been taken advantage of in order to secure a settlement on railroad lands rather than to avoid them.

Another reason largely conducive to the change of the views of this department in this matter is found in an "application" now pending before it on behalf of the Northern Pacific Railway Co. for all the odd-numbered sections of land, surveyed and unsurveyed, within both the first and second indemnity limits of its grant, accompanied by a purported "selection" in bulk of said lands without any specific designation of loss.

The basis of this claim is a resolution of the board of directors of the Northern Pacific Railway Co., adopted September 23, 1913, wherein it is recited that, due to the "unjust and unauthorized" regulations of this department, selections of surveyed lands only can be made in satisfaction of losses within the primary limits and due to the delay of the Government in the prosecution of its public-land surveys, and the consequent diminution of the public domain, there is not now sufficient vacant public land within the indemnity limits to satisfy the losses within the primary limits of its grant, and for these reasons it was—

"Therefore resolved, That the president be, and he is hereby, authorized and directed to cause to be presented to and filed with the Secretary of the Interior the company's claim to all public lands within the limits of its grant, in satisfaction of its place losses, and to press such claim in the courts, should that be necessary and possible."

While this department has never recognized the right to select unsurveyed lands as indemnity, it is evident that the company intends, by the present assertion of such right to initiate a record claim that will "attach" to the lands thus applied for. A "selection" thus made, though finding no warrant in any construction of the grant to this or any other railroad company, might well be used in support of an assertion that by such purported selection a right "attached" to all the odd-numbered sections in the indemnity limits.

The conflict thus resulting between the company and any settler on these indemnity lands would "li literally within the terms of the act, if it were extended by the proposed amendment, for it would be a case wherein the right of the company is "claimed to have attached" by selection. The validity of such claim under the letter of the law is not essential to its operation.

It is therefore concluded that the legislation proposed by this bill is very much broader in its scope than is necessary to secure the protection to settlers that was in mind at the times of the reports on S. 2801 and S. 5181, and that if any amendment of the act of 1898 is thought necessary it should be limited in terms to unsurveyed lands within the primary limits, giving the right of election to the settler, and an equal right of transfer in the event of relinquishment to both parties. A draft of a bill is appended, which it is believed will accomplish the purpose suggested.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

A bill for the relief of settlers on unsurveyed railroad lands.

Be it enacted, etc., That where, prior to July 1, 1913, the whole or any part of an odd-numbered section within the primary limits of the land grant to the Northern Pacific Railway Co., to which the right of the grantee or its lawful successor is claimed to have attached by definite location, has been settled upon in good faith while unsurveyed, by any qualified settler, the same shall be subject to all the provisions of the

act of July 1, 1898 (30 Stat. L., pp. 620-622), relating to lands in said primary limits so settled upon prior to January 1, 1898, and said act is hereby amended accordingly.

Now, this is for the benefit of those who made that settlement in good faith, and none others. I hope the gentleman will not press his objection further.

Mr. STAFFORD. I do not think the gentleman has furnished me with any information that I did not have before, because I looked up the law that is sought to be amended.

Mr. JOHNSON of Washington. I have furnished what the gentleman said was lacking.

Mr. STAFFORD. I would like to inquire what right or part the railroad company has in the selection of these lieu lands when these entrymen on the unsurveyed lands of the Northern Pacific Railway Co. are allowed to take patents to the same?

Mr. JOHNSON of Washington. The provision in the act of 1898 in respect to settlement on unsurveyed lands after January 1, 1898, is found in the third proviso, as follows:

That whenever any qualified settler shall in good faith make settlement, in pursuance of existing law, upon any odd-numbered sections of unsurveyed public lands within said railroad grant to which the right of such railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior, and a due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee, or its successor in interest, as hereinbefore provided, and patents shall issue therefor.

Mr. STAFFORD. What character of land is the railroad company privileged to accept as lieu land? Is the Government going to be filched out of any rights as to lieu lands that will be accepted, or will the railroad be obliged to take merely lands of approximately the same value? There is nothing in the bill saying that they shall be of approximately the same value.

Mr. JOHNSON of Washington. It is limited to the State of Washington, and they will not find any lands anywhere of the same value that they can take. Instead of the railroad company being the beneficiary, this is to establish the equity of some original settlers who were advised by the then Secretary of the Interior that they were fully within their rights.

Mr. STAFFORD. Yes; who entered upon unsurveyed lands which proved later to be included in the land grant.

Mr. JOHNSON of Washington. Oh, no.

Mr. STAFFORD. Yes.

Mr. JOHNSON of Washington. When the survey was made the sections that they were entitled to go upon turned out to be not the sections intended but railroad sections. The checkerboard plan did not work out the way the original locations were made, and they found themselves on railroad lands instead of on the sections intended.

Mr. STAFFORD. I have no objection to this bill going over, but I would like to have full information about it.

Mr. JOHNSON of Washington. I hope the gentleman will not insist on the bill going over.

Mr. STAFFORD. Oh, yes.

Mr. JOHNSON of Washington. Then, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. DILL. Mr. Speaker, I ask that the report which the gentleman from Oklahoma has may be printed in the Record, in order that the information may be available to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. FERRIS. Does not the gentleman think it might be better to recall the report and to make an amended report?

Mr. JOHNSON of Washington. Yes; that would be much better if it can be done. I read all of the statement aloud just now, and it will appear in full in the Record. An amended report from the Committee on the Public Lands will make the situation entirely clear, I think.

Mr. FERRIS. I ask unanimous consent that the gentleman from Washington [Mr. LA FOLLETTE], who reported this bill, have authority to withdraw the present report, and to introduce in lieu thereof a new one, without the bill losing its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

CERTAIN LANDS IN PORT ANGELES, WASH.

The next business on the calendar for unanimous consent was the bill (S. 5900) providing for the disposal of certain lands in block 69, in the city of Port Angeles, State of Washington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be read.

The bill was read as follows:

Be it enacted, etc., That there be, and is hereby, granted to the city of Port Angeles, in the State of Washington, for municipal purposes, lots 1 and 2, 17 and 18, in block 69, and the Secretary of the Interior is authorized to issue patent to the proper city authorities for said lots, conditioned that the same shall be used for municipal purposes.

With the following committee amendments:

Page 1, line 3, after the word "at," strike out the words "there be, and" and insert in lieu thereof the words "the Secretary of the Interior."

Page 1, line 4, strike out the word "granted" and insert the words "authorized to reappraise and sell at the reappraised price."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I should like to inquire whether, if we pass this bill with the amendments proposed by the committee, they will remain in the law if the bill becomes a law?

Mr. HADLEY. Mr. Speaker, I was going to ask that the bill be passed without prejudice. I wanted to consider a matter that has come up since the report of the committee was made, which changes somewhat the situation of the parties in interest. The property involved is in my district, and I would like to have the bill passed over without prejudice until I can look into the matter further.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5788) to create two additional associate justices of the Supreme Court of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire of the chairman of the Judiciary Committee whether the committee has considered a rearrangement of the jurisdiction of the court and of the lower courts, so as to prevent appeals from the municipal court in cases involving small amounts of money?

Mr. WEBB. I can say to my friend that we have not considered that recently; but, of course, that matter has been carefully considered for 36 years. The last arrangement to relieve this court was the creation of the Court of Appeals, which took some work from the District Supreme Court, but there is no court in the United States that is so overwhelmed with work as the Supreme Court of the District of Columbia at present. There has not been a judge added to that court in 37 years. The court is two years behind its calendar. A suit started to-morrow can not be tried for two years, and the criminal cases that are appealed to the District Supreme Court are almost forgotten before they are reached for trial. Chief Justice Covington, Justice Gould, Justice Siddons, and Justice McCoy, as well as a committee of the Bar Association of the District of Columbia, all state, as the gentleman will see by reading the report, that it is impossible to get a trial of an appeal case sooner than two years, and often the witnesses are gone—

Mr. GARNER. That means a denial of justice.

Mr. WEBB. It means not only a denial but a miscarriage of justice.

Mr. STAFFORD. The same condition that confronts this court has confronted other trial courts throughout the country. The same conditions confronted the circuit courts of my home county. We were confronted with that very condition of facts. The circuit courts were burdened with appeal cases from justices' courts involving \$100 or \$200. The remedy we found—which is suggested in the report on this bill—was to confer greater jurisdiction on the municipal courts in our city, the civil court; thereby relieving the higher court of that appellate jurisdiction. Not only was the court relieved, but it resulted in the expedition of the trial of cases; because gentlemen will agree that these little, measly cases, involving sums of \$25 or \$50, when once tried in a minor court should not be subject to trial anew in an appellate court.

Mr. WEBB. Such cases are very rarely appealed to the Supreme Court of the District of Columbia.

Mr. STAFFORD. The report states that that is one of the burdens on the court which confronts it.

Mr. WEBB. Only one, and the smallest of them all.

Mr. STAFFORD. To remedy that condition I would suggest that some effort be made first to enlarge the jurisdiction of the lower courts.

Mr. GARNER. Giving them final jurisdiction in small cases.

Mr. STAFFORD. Enlarge the final jurisdiction of the lower courts, as is done not only in Wisconsin and Illinois but in other

States, and then only permit reversals in the higher courts for obvious manifest injustice done by the judgment.

Mr. WEBB. Then we will have to increase the number of municipal court judges and police judges.

Mr. STAFFORD. It would be far better to do that, and then you would have a finality in the decision of the cases, but here you keep going on and on with cases that involve only \$30, \$40, or \$50.

Mr. WEBB. I do not agree with the gentleman. A man who has \$300 or \$400 involved has a right to have it settled by a higher court, and you can not take away the right of appeal and trial by jury.

Mr. STAFFORD. That was the opinion that was held prior to the inauguration of the new system in my own State, but it has worked so satisfactorily that even in personal injury suits involving up to \$2,000 there would be no attorney now, I think, who would go back to the old practice.

Mr. WEBB. If you were to cut off the right of appeal to the Supreme Court of the District the Supreme Court of the District would still be the most burdened court in the United States. They now have 900 original cases pending on the civil side alone.

Mr. STAFFORD. And a considerable number of them are appeal cases from the lower courts.

Mr. WEBB. No; I mean the original cases filed last year.

Mr. STAFFORD. The Supreme Court of the District has original jurisdiction in these cases involving small amounts.

Mr. MEEKER. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MEEKER. Does not the gentleman believe that a man who only has a small amount in controversy should have the same right of appeal as the man who has the larger sum?

Mr. STAFFORD. He has the same right of appeal. It is just as it is in the State of Wisconsin. If the case was initiated in the circuit court, when it came to the supreme court the supreme court does not grant a trial de novo, but passes upon reversible errors. That should be adopted here. In the case of the civil court to which I refer there is the right of appeal to the circuit court; but when the supreme court passes upon these matters they are only for reversible errors. The courts do not grant a trial de novo as in these cases in the District.

Mr. WEBB. The police court can put a man in prison for a year. Would you enlarge it so that the defendant would have no right of appeal?

Mr. STAFFORD. I am not directing my criticism to the criminal side of the court, but to the civil cases. I am inquiring whether anything is being done in that direction, and the gentleman says there is not.

Mr. WEBB. The civil docket of the court is enough to occupy all the time. There was one suit that required the absolute attention of one judge for six months. They have to hear all the mandamus suits that are brought against the heads of departments. They are two years and a half behind, and I hope the gentleman will not object to this bill. The judges often work from 10 o'clock in the morning until 6 or 8 o'clock at night.

Mr. MEEKER. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. MEEKER. Do I understand the gentleman to say that there has been no increase in the number of judges of this court for 36 years?

Mr. WEBB. Not since 1879.

Mr. MEEKER. What has been the increase in population of the District during that time?

Mr. WEBB. From 60 to 80 per cent; and the business has increased 200 per cent.

By unanimous consent, Mr. WEBB was given leave to print as a part of his remarks the following:

"I would like to submit the following brief of reasons why two additional associate justices should be appointed for the Supreme Court of the District of Columbia:

"This court was created by an act of Congress approved March 3, 1863. It then consisted of a chief justice and four associate justices—only one associate justice less than now. The act of Congress approved February 25, 1879, increased the associate justices to five, making the court the same size that it is to-day. The only other relief this court has received from Congress since 1879 was in 1893, almost 24 years ago, when it was relieved of its appellate jurisdiction by the act of February 9, 1893, creating the Court of Appeals of the District of Columbia.

"The Supreme Court of the District of Columbia still has, however, a broader jurisdiction than that of any of the other Federal courts, excepting the Supreme Court of the United

States. It has jurisdiction in all criminal cases, in all civil matters at law, and in all civil matters in equity; is required to hear and determine appeals from the municipal court of the District of Columbia in cases involving more than \$5 and not exceeding \$500; is required to remove from the municipal court by certiorari, upon request of defendant, cases involving more than \$100; has jurisdiction of all bankruptcy cases, of all probate matters requiring the action of a judge either with or without the intervention of a jury; hears all lunacy proceedings; hears all condemnation cases, both Government and municipal; disposes of all habeas corpus proceedings; disposes of all naturalization petitions for the District of Columbia; is the only court that can have original jurisdiction of cases involving mandamus proceedings and injunction suits against heads of departments and bureaus; and, on account of the absence of an executive in the District of Columbia, this court, through its chief justice, is required to perform the same functions as the governor of a State in respect to extradition cases.

"Two of the six justices of this court are assigned to the trial of civil cases before a jury. For the last 10 years these two justices have been unable to keep up with their calendars. At no period within that time has it been possible for a litigant to get an actual jury trial in less than from 14 to 18 months after beginning suit. Very often two years elapse before trial. In that same 10 years, 1906-1916, the number of civil cases on the calendar for trial have about doubled. At the end of the court year 1915-16, on June 30, there were of 824 cases calendared for trial nearly one-half still undisposed of. On October 1, 1916, there were approximately 900 cases on civil calendar for jury trial.

"Two other of the six justices are assigned to the trial of civil cases in equity. The volume of work in the equity divisions steadily increased in spite of the continuous work of these two justices. The new rules of equity procedure require that the actual witnesses shall be heard in open court, which necessitates many times the amount of time required formerly for the justice to read the evidence after it had been taken before an examiner in chancery. Moreover, preliminary motions and other interlocutory proceedings, which require disposition after the hearing, now average 30 a week for the equity court.

"And further, because of the restricted number of justices, the justices sitting in equity have necessarily been compelled to take certain branches of work not ordinarily incident to an equity court. For instance, the justice of equity division No. 1 has assigned to him for disposition all of the bankruptcy business of the District of Columbia. In the court year of 1915-1916, in addition to his other regular equity business, he was required to dispose of 52 bankruptcy cases. On the other hand, the justice sitting in equity division No. 2 has assigned to him all matters requiring the action of a probate judge without the intervention of a jury. Even under a new rule of the court which submits all nonjury probate matters first to the register of wills in order that he may save to the justice the time required to receive explanations of counsel, still, nevertheless, the justice has to make some examination of such matters before affixing his signature, and as a result in an average month such justice affixes his signature to 527 probate orders; that is, after a day upon the equity bench the justice has to consider and sign 22 probate orders daily in chambers.

"The general result of these greatly overburdened equity divisions is that for the past two years the justices presiding in each of them has had to continue to sit in his court many days from 10 o'clock in the morning until nearly 6 o'clock in the evening in order to dispose of the equity business before him, and still the equity trial calendars are getting further and further behind. When, in addition the equity business which has required such long hours, there still remains for disposition the bankruptcy and probate matters to which reference has been made, it can readily be seen that these divisions must be relieved of that extra work in the bankruptcy and probate matters in order that the true equity causes may have an opportunity at all to be disposed of with the necessary promptness demanded by real justice.

"The remaining two justices are assigned to the handling of the criminal business of the supreme court, and owing to the rapidly increasing population of the District, the business of the two criminal divisions has greatly increased. In 1906 there were 328 cases disposed of in these two divisions. In the year 1915-16 there were nearly 1,000 cases disposed of. The result has been the taking of all the time of criminal division No. 1 for criminal business, as well as the greater portion of the time of criminal division No. 2. This has been done because the rights of persons charged with crime are considered greater than the rights of any other class of litigants. However, on

account of the restricted number of justices it has been necessary to assign other important classes of cases to criminal division No. 2, including appeals and certiorari cases from the District municipal court, and also all will contests. There is a great volume of the municipal appeal and certiorari cases, for under law any municipal court case involving over \$5 and not exceeding \$500 may be appealed to the Supreme Court of the District; and also the supreme court is required, upon request of defendant, to remove for trial any municipal case involving more than \$100. Only a very small proportion of these cases were able to be heard during 1915-16, because the other business of criminal division No. 2 crowded the municipal appeal and certiorari cases out. It takes from 12 to 18 months for an appeal or certiorari case from the municipal court to be tried in the supreme court. Probably the greatest seriousness in this situation lies in the fact that in the average municipal appeal case there is involved some humble litigant to whom a speedy trial is of the most vital interest. The well-known saying, "Justice delayed is justice denied," applies with wonderful appropriateness in this connection.

"And as to the will contests mentioned as being referred to criminal division No. 2, very few of them have been tried at all. The issues upon any caveat to a will can not be tried before a jury under two years from the time the caveat is filed.

"In addition to these onerous burdens upon criminal divisions Nos. 1 and 2, it is necessary that these divisions dispose of a large number of lunacy adjudications. In the year 1915-16 there were in the District of Columbia 408 lunacy cases tried with the intervention of a jury.

"And, further, criminal division No. 2 is the only court available for hearing District condemnation cases. The volume of these, both Government and municipal, has greatly increased, especially on account of various acts of Congress providing for both governmental and municipal improvements. In the year 1915-16 there were 126 condemnation cases.

"Again, habeas corpus proceedings in the District of Columbia may be heard before any of the six justices of the District Supreme Court. In the year 1915-16 there were 28 such proceedings, a considerable increase over the number existing 10 years ago.

"Likewise this court is the only court that may dispose of naturalization petitions in the District. These applications have increased from 4 in October, 1906, to an average of 25 each month at the present time. These cases go alternately to the justices of the two already overcrowded and overworked equity divisions.

"As has already been said, the District Supreme Court is the only court that can exercise the most important and the most delicate jurisdiction in proceedings to control the heads of governmental departments and bureaus—in effect the Federal Government itself—by mandamus or by restraining order. In the year 1915-16 there were 20 mandamus proceedings against heads of departments and bureaus, while within the same period there were 24 injunction suits. The very magnitude of such proceedings compels the court to give a great deal of time to them, and as a result the justice is rendered unavailable during such time for any other business of the court.

"And, finally, as also already mentioned, extradition cases, by act of Congress, are required to be handled by the chief justice of the District Supreme Court, a duty usually performed in the States by the governors.

"Justice Ashley M. Gould, of the District Supreme Court, made the following statement in a letter last July with reference to the tremendous volume of business that is overwhelming the two divisions which try law cases before juries:

"During the two court years last past, to wit, the two years beginning on the first Tuesdays in October, 1914 and 1915, Justice Stafford and myself have sat in these two circuit courts. I have been on the bench 14 years, and Justice Stafford's appointment shortly followed mine. I mention this merely to point out that we have had an extended experience in trying cases, which ought to facilitate our disposition of them. During these two years neither of us has been disabled from performing our duties by illness for any considerable period, possibly for not more than a couple of days in each year, so that our labors have been practically continuous. The result of our work during these two years is as follows:

"At the beginning of the October term, 1914, there were 819 cases at issue on the trial calendar of the two circuit courts, of which 596 were disposed of during the trial year by settlement, dismissal, or actual jury trial, leaving a balance of 223 cases to be carried forward to the trial calendar for the year beginning on the first Tuesday in October of 1915. At the beginning of this last year 601 new cases had been added to the calendar, making the total number for trial at the beginning of the year 824. Of these, 254 were disposed of during the year, there being many less settlements and dismissals than in the preceding year, so that the calendar for the year beginning the first Tuesday of the next—

"The past—

"October will start with 570 undisposed of cases, to which, up to May 15, 1916, 221 new cases had already been added, making a total of 791

cases already calendared for the coming year, to which at least 100 more will be added during the summer—

"The past summer—

"which will start the next calendar with 891 cases for trial. "To state the situation in another form, a plaintiff who files a law case to-day can not expect an opportunity for trial before a jury in a shorter period than 18 months or two years on account of the congestion of the law docket. In many cases this results in a practical denial of justice.

"And Justice Gould further says:

"I may add that the present number of judges for the court was fixed by Congress in 1892, 24 years ago. The great growth of the capital during this period, and the consequent increase of business for the courts, would indicate that if six judges were necessary at that time to dispose of the litigation, a larger number is now necessary.

"Chief Justice J. Harry Covington, of the District Supreme Court, in a letter of July 31, 1916, speaks as follows of the situation in that court:

"The conditions in the Supreme Court of the District are at the present time most serious because of the lack of sufficient justices to perform the work of that court. It is an absolute impossibility to keep the work up with that degree of promptness which is required in the satisfactory disposition of both litigated and routine court business. The fact is that because of the excessive hours of daily service and the strain incident thereto, two of the justices of this court were considerably impaired in health during the court year just ended.

"And referring to the letter of Justice Gould, already quoted from, Chief Justice Covington speaks thus:

"I have also read a letter recently transmitted to you by Associate Justice Gould, of this court, respecting the horribly congested condition of the calendars in the two divisions for the trial of civil causes before juries. I think I may be permitted to say that, in order to try to meet the situation as best it could be met with the number of justices at this time available, Justices Stafford and Gould, because of their long experience and facility in the trial of jury causes, have served each of them two years in these divisions in the hope that some relief might be gotten for litigants whose cases were pending on the trial calendar. Notwithstanding these extremely beneficial assignments of justices, the conditions are congested to the degree stated by Justice Gould in his letter * * *

"Justice F. L. Siddons, of this court, speaks as follows of the regrettable delay of justice:

"* * * And once again we have reached a condition when the citizen has begun to complain, and rightly so, of these delays in justice that too often mean also denial of justice.

"My deliberate opinion is that we need two more judges in our court. To one I would assign a division that should take care of divorce, probate, and, say, lunacy business. This would bring relief to the equity courts and criminal court No. 2. The other should be assigned to circuit-court business, and could take care of at least some of the appeal and certiorari business, thus further relieving criminal court No. 2, which could then take over a larger share of the criminal business than is now possible; and, what is of immediate importance, the present accumulation of business could in the course of a year or so be dispatched to the great relief of litigants, bench, and bar."

Mr. BORLAND. Mr. Speaker, I demand the regular order.

Mr. STAFFORD. I object.

Mr. MEEKER. I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

FISH HATCHERY, LINCOLN COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 305) to establish a fish-cultural station in the county of Lincoln, in the State of Tennessee.

The SPEAKER. Is there objection?

Mr. EDMONDS. I object.

Mr. HOUSTON. I would like to say that this bill has been recommended by a committee in three different Congresses. The Committee on the Merchant Marine and Fisheries had it up when we passed the omnibus bill, and agreed to put it in but overlooked it.

Mr. CRAMTON. Mr. Speaker, I find in the omnibus bill a provision, evidently put in on the floor of the House, for \$40,000 for the State of Tennessee. Does that cover the gentleman's proposition?

Mr. HOUSTON. No; that was an amendment put on the bill in the Senate.

Mr. MILLER of Minnesota. There were two cases that were brought to the attention of the House as being fairly or quite meritorious. One was Tennessee and the other Wisconsin. Of the two I think the Wisconsin was decidedly the more meritorious, if there could be a difference. If the committee is going to recommend the passage of legislation favoring Tennessee, I think it ought to include the same thing for Wisconsin.

Mr. HOUSTON. The committee has not done that. The committee say they made a mistake in not including this in the former bill, and they had a meeting called to rectify that mistake and recommended the bill as it has been recommended by committees of three different Congresses.

Mr. MANN. Mr. Speaker, I used to introduce a bill for a fish hatchery in or near Chicago. I think it was reported favorably once or twice, but whenever I think a fish hatchery bill has any chance to pass I shall introduce that bill again and have it included, whether it is an omnibus bill or not. I think the country ought to save the money on these bills, and not only ought to but will.

Mr. EDMONDS. Mr. Speaker, I have no objection to Tennessee having a fish hatchery, but I think Tennessee is entitled to take its chance along with the rest of the States; and as the Senate has amended the omnibus bill and given a fish hatchery to Tennessee, I think it ought to go along with the rest of them.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects.

EXTENSION OF REMARKS.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TRANSFER OF EARLY COUNTY, GA.

The next business on the calendar for unanimous consent was the bill (H. R. 17814) to transfer Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the county of Early, now in the western division of the northern district of Georgia, be detached from said district and attached to the Albany division of the southern district of Georgia. Sec. 2. That all civil suits and proceedings now pending in the district courts which would, if instituted after the passage of this act, be required to be brought in the Albany division of said southern district of Georgia be, and the same are hereby, transferred to the Albany division of the southern district of Georgia, to be there disposed of in the same manner and with like effect as though the same had been instituted therein, and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the Albany division of the southern district of Georgia in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 386) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, I object.

Mr. BRUMBAUGH. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar and be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. JAMES. I object.

The SPEAKER. The gentleman from Michigan objects, and the bill will be stricken from the calendar.

MISSISSIPPI CENTENNIAL EXPOSITION.

The next business on the Calendar for Unanimous Consent was House joint resolution 253, authorizing the President of the United States to invite the Latin-American countries to participate in the Mississippi Centennial Exposition to be held at Gulfport, Miss.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. Yes.

Mr. HARRISON of Mississippi. Mr. Speaker, I might say to the gentleman that this carries no appropriation. The exposition is to be held in December of next year, and if we do not pass this bill at this time these gentlemen will not be invited. The gentleman from Wisconsin [Mr. STAFFORD] very kindly assisted me in the last session of Congress, I think it was, in passing a law so

that the Government exhibits might be transferred from San Diego to Gulfport, Miss. That matter has progressed very rapidly, and I sincerely hope the gentleman will not object.

Mr. STAFFORD. Mr. Speaker, I hardly think this exposition, for which the legislature has appropriated \$125,000 and the county in which it is to be held \$125,000—

Mr. HARRISON of Mississippi. And the city \$125,000.

Mr. STAFFORD. And the city \$125,000, will be of such preposterous proportions that it warrants the invitation of representatives of the Latin-American countries to come to it as our guests. I do not wish in any way to interfere with making this exposition a success, and in so far as transferring the Government exhibits from San Diego to Gulfport, which will cost several hundred thousand dollars—

Mr. HARRISON of Mississippi. Oh, it will cost only \$75,000.

Mr. STAFFORD. I think it will be beyond that. As there was no further need of that exhibit, I did not desire to stand in the way of making the Gulfport Exposition a success to that extent. However, to invite to a little local exposition, with all due respect to the great city of Gulfport, Latin-American representatives I hardly think is warranted.

Mr. MANN. I hope the gentleman will not call this a little local exposition.

Mr. HARRISON of Mississippi. Indeed not.

Mr. MANN. The State of Mississippi came into the Union about the same time that the State of Illinois did. We are going to have a centennial celebration in Illinois, though I have said that I would not favor a resolution asking the President to invite foreign representatives to come to the celebration in Illinois. I may be wrong in that, and we think we are some pumpkins in Illinois.

Mr. HARRISON of Mississippi. You are. Mississippi is not the only State that has appropriated money for this purpose, and the amounts to which the gentleman from Wisconsin alluded are not the only amounts raised for the purpose of this exposition. The State of Louisiana has already passed a law to cooperate in the matter and is going to send an exhibit there. We expect other States to do the same, Alabama and some of the adjoining States, and we are peculiarly anxious to get the Latin-American countries interested in this exposition, because of the proximity of Gulfport to those countries.

Mr. MANN. Mr. Speaker, let me suggest to the gentleman that I have been to Gulfport. I used to be very fond of going down to that section of the country in the wintertime for a short vacation before I was sent to Washington. It is the most delightful place in which to spend a few weeks or days, or you might say months, I think, there is in the United States, not barring Florida or California.

Mr. HARRISON of Mississippi. I thank the gentleman and I hope the gentleman will come again. He will always be a most welcomed visitor there.

Mr. MANN. Let me suggest to the gentleman that what they want to do down there is to advertise to the North that they have accommodations to take care of the people, and you will get lots of northerners to go down there in the cold winter weather, and you will get a great deal more benefit from them than you will if you invite these distinguished gentlemen from South America.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the contributions to which the gentleman from Wisconsin referred are not the only amounts to be devoted to this exposition. In addition to those, the various counties interested under authority given them by the legislature are going to make appropriations. Each of the counties is appropriating considerable sums of money, so that the amount of money locally appropriated is very much larger than that indicated by the gentleman from Wisconsin. If it is upon the theory that only \$375,000 has been contributed by local interests that he predicates his objection, I hope he will withdraw it.

Mr. STAFFORD. I seriously question whether we should invite the diplomatic representatives of Latin America to this exposition, and I object.

Mr. HARRISON of Mississippi. Will the gentleman permit this to be passed over without prejudice?

Mr. STAFFORD. No; I do not wish to be called upon again to do this very unpleasant task. I object.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects, and the resolution is stricken from the calendar.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BAKER was granted leave of absence for one day, on account of illness in his family.

TO PUBLISH STATISTICS OF MARRIAGE AND DIVORCE.

The next business in order on the Calendar for Unanimous Consent was Senate joint resolution 107, authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects, and the joint resolution is ordered stricken from the calendar.

Mr. HELM. Mr. Speaker, will the gentleman withhold his objection?

Mr. STAFFORD. I reserve the right to object.

Mr. HELM. Mr. Speaker, there is nothing that is engaging the attention of and appealing to the public as much as the betterment and the advancement of social conditions. Now, this Senate joint resolution now under consideration authorizes the Director of the Census to gather statistics relating to marriage and divorce. There is already a provision authorizing the expenditure of \$40,000 for that purpose. There is a provision in the present legislative, executive, and judicial appropriation bill authorizing the expenditure of an additional amount that will be necessary to gather these statistics. To me it seems to be a very important measure of legislation, if it may be so termed. The members of the committee are aware that there are organizations throughout the country agitating a constitutional amendment looking to uniform divorce laws. No one present will deny the fact that there is too much laxity in this regard, and any movement or effort along that line is a wholesome step in the opinion of a large number of people. Now, these records of marriage and also of divorce—

Mr. GARNER. Will the gentleman yield?

Mr. HELM. With pleasure.

Mr. GARNER. As this is unanimous-consent day, may I suggest to my friend that I just made inquiry of the gentleman from Wisconsin, who said he was going to object, and he says it makes no difference what statement the gentleman makes he is going to insist upon his objection? Now, if that is true, is not the gentleman taking up the time on unanimous-consent day—

Mr. HELM. I am only going to talk a few minutes, just a few minutes. I would like for the House to understand the purpose of this joint resolution. It looks to me as if it did not deserve the fate the gentleman from Texas says it is destined to receive.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. HELM. Certainly.

Mr. COX. If this should become a law how much will it cost, has the gentleman any idea?

Mr. HELM. The estimate is something over \$200,000.

Mr. COX. How long will it take to complete the work?

Mr. MANN. That is each year.

Mr. COX. Each year?

Mr. MANN. Yes; each year.

Mr. HELM. Let us get this clear. There have been statistics of this kind taken.

Mr. COX. When was the first time it was taken?

Mr. HELM. The first one was in 1887, the second in 1907, 20 years, and this one is proposed to be taken to cover the period extending from 1907 to 1918.

Mr. COX. The period between 1907 and 1918?

Mr. HELM. Between 1907 and 1918. Now, let me proceed just for a moment. It is an important thing for a man to know something about the record of his birth and the record of his parent's marriage. Take the case of one of the greatest Presidents that this Government ever had; it was years and years, owing to peculiar conditions, before the marriage certificate of the parents of that President of the United States could be found. Courthouses burn down and municipal divisions, counties, are changed and the records are lost or become confused, and the longer time the delay in gathering those statistics the more difficult and the more expensive it becomes.

Mr. FESS. Will the gentleman yield?

Mr. HELM. Yes.

Mr. FESS. Is this to be a sociological study or basis—

Mr. HELM. It is to be taken under rules and regulations by the Census Department that will deal with marriage and divorce, the effect of divorce, the number of children born during that wedlock, the condition of those children and the fate, the result and effect of divorce upon the lives, character, and development of those children born during that wedlock, and I submit—

Mr. FESS. The gentleman spoke about a uniform law.

Mr. HELM. I said there was agitation, and a very whole-some one I think, to secure a uniform law.

Mr. FESS. Does this go to that?

Mr. HELM. Perhaps not immediately and directly but incidentally, and I believe it is very wholesome legislation; and the fact it is to cost something, anything of value that is worth anything necessarily costs something.

Mr. BORLAND. Will the gentleman yield?

Mr. HELM. I will yield to the gentleman.

Mr. BORLAND. The gentleman from Wisconsin has announced his intention to object and there are a good many gentlemen here who want to get their bills up; I know I can not get mine up, but I notice some others can, and I would like to ask the gentleman whether—

Mr. HELM. I submit there is hardly a Member of the House who takes less of the time of the House than myself, and I believe I have a meritorious proposition, and I believe the membership of this House—

Mr. BORLAND. I think that is entirely true—

Mr. HELM. Do not understand what this bill is and where it reaches, and other gentlemen here who are now undertaking to throw this House on the high gear must remember that I have occupied but a little portion of time, while they have consumed a great deal of the time of the House, and sometimes rather captiously—

Mr. STAFFORD. Will the gentleman yield?

Mr. HELM. I will.

Mr. STAFFORD. Has the gentleman any information as to the amount that will be required to take these statistics?

Mr. HELM. The statement came from the Director of the Census that it will cost something over \$200,000, and that is one thing I want to bring out.

Mr. STAFFORD. If not, I can furnish the information which the Director of the Census gave to the subcommittee of the legislative, executive, and judicial appropriation bill, which is embodied in his estimates, that the annual cost will be \$60,000—

Mr. HELM. I think the gentleman is mistaken about that.

Mr. STAFFORD. I have it right here in the estimates, and that the cost of the decennial census will be nearly \$200,000.

Mr. HELM. There was a census taken during the administration—

Mr. STAFFORD. And does the gentleman think at this time we should enter upon such an extravagant policy?

Mr. HELM. There is just where the gentleman has fallen into error. There was just one census of this kind taken, under President Roosevelt. It cost \$200,000. And that, if I am not mistaken, was a 10-year proposition. Now, it is my opinion and my belief that the cost of taking these statistics from 1907 to 1918 has already been included in the appropriation bill—get that clearly in your head—that these appropriations are now included in the appropriation bill, and that is to cover the period from 1907 to 1918. Thereafter the work is to be done annually, and can be done more easily and readily and kept up to date, without any cost, and can be done by the regular employees of the Census Bureau without any additional annual cost for the taking of them.

Mr. HOUSTON. Will the gentleman yield?

Mr. HELM. I will.

Mr. HOUSTON. I want to ask the gentleman if the plan adopted for taking this census annually will not make it cost but very little more than it will to take the decennial and quinquennial census and that the information will be much more accurate and much more easily taken?

Mr. HELM. The information will be certainly much more accurate and up to date, and my information is that the Director of the Census says, also fortified by the Secretary of Commerce, in whose department the Bureau of Census is, that after these statistics have been brought up to date there will be virtually no annual expense thereafter.

Mr. CRAMTON. Will the gentleman yield?

Mr. HELM. I will.

Mr. CRAMTON. Was I correct in my understanding that the gentleman stated some little time ago that this matter is also provided for by an item in the legislative appropriation bill?

Mr. HELM. No. I have been unfortunate in my statement. The cost incidental to the assembling of these statistics is provided in the legislative, executive, and judicial appropriation bill, including an appropriation of \$40,000 in last year's bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HELM. I will.

Mr. MADDEN. Unless the information obtained by the census is made the basis of a law to be enacted, of what use is the information?

Mr. HELM. I do not believe I follow the gentleman.

Mr. MADDEN. Unless it is intended to follow up the information by the enactment of a Federal law, of what use is the information?

Mr. HELM. Well, I can see that it can be of no substantial benefit. But it is to be followed up by such law, and that is the purpose of this act. I trust the gentleman from Wisconsin [Mr. STAFFORD] will not object.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would just like to make a very brief statement. There are a great many expenditures of the Government which must be met, a great many activities of the Government which can not be dispensed with under any circumstances. There are a good many things which ought to be done which can wait until to-morrow to be done. The world was not made in a day, and it will not be completed in another day. Everything that ought to be done will not be completed to-day, and it will not be completed to-morrow. But just at present, under the present conditions, which it is not necessary to enumerate, we ought to be very careful about expending money which is not absolutely required. We know that in all probability we will be called upon without controversy, without much debate, with very little consideration, to appropriate large—I might say, huge—sums of money. We have got to draw the line on these things we can do without. I think the census on marriage and divorce which was taken the last time is absolutely valueless.

The only people who want this census—maybe "the only people" is not correct—are those who want a constitutional amendment providing that the National Government shall regulate marriage and divorce; but I am opposed to that. I am opposed to appropriating any money to find out whether it can be done or not; I am opposed to appropriating any money to-day which can properly wait until to-morrow.

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects, and the Clerk will report the next bill.

STATISTICS OF FOREST PRODUCTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12417) authorizing and directing the Director of the Census to collect and publish the statistics of forest and State finance.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

Mr. MILLER of Minnesota. Will the gentleman permit it to remain in its present place on the calendar?

Mr. STAFFORD. I do not see any advantage that can be gained in that. The matter has been considered. I will reserve my objection, however.

Mr. MILLER of Minnesota. Gentlemen, this will not take more than four minutes.

When our fathers struggled for their independence in this land there were royalists abroad. When the dark days of the Civil War were here there were "copperheads" in the North. To-day England has her pacifists. In this hour of great peril to our land we have William J. Bryan.

Mr. Speaker, it is my opinion that the meeting which he fathered in New York but a few days ago, the meetings which he fathered in this city more recently, are not calculated to aid our Nation in this great hour, but are calculated to do the public great harm. I therefore wish to raise my voice against such conduct. This is a time when there should be neither creeds nor politics, just plain American citizens. Our President, yours and mine, has passed the hour for deliberation, has passed the hour of doubt. He has taken a position, and there can be no steps backward. It is the duty of every man in the United States to back him up to the uttermost. [Applause.] And I decry those who see it their duty to work against the commonweal by trying to create a public sentiment opposed to the President's course. [Applause.]

Mr. Speaker, there is free speech in the United States at all times, and there should be. When we are striving to arrive at a policy, free speech is welcome and should be had. But when the time for deliberation and doubt is passed, when our country is dedicated to a purpose or a plan, then the time has come to act, and the only way that a patriotic citizen can act is to follow the great leader, the President of the United States. [Applause.]

Free deliberations and free discussions are born of a legal right. We can not cry out against them when they are in their

place. But I for one believe at this time they begin in skimmed-milk patriotism, and, if continued, they are destined to end in the shadowland of treason. We need a united, a harmonious, a perfectly organized Nation of men and women in this hour. Let there be no division of sentiment, no diversity of purpose, and no stragglers from the ranks.

The public press of our land has always been patriotic, perhaps never more so than now. Let me urge them to one further act of exalted patriotism. I urge the press to close their columns against this Bryan back-fire, and until he joins the ranks of patriotic Americans, that he be consigned to the shades of oblivion.

I have just received a letter from a constituent of mine in whose veins flows the blood of Puritan sires, whose forefathers fought in the colonial wars of the land, in the great Revolutionary struggle of our country, and in every war since, and I want to read to you what he says:

WASHINGTON, D. C., February 4, 1917.

Hon. CLARENCE MILLER,
House of Representatives.

MY DEAR SIR: Mr. William Jennings Bryan asks the people to advise their Representatives in Congress of their wishes in this crisis. In accordance therewith I would say to you that it is my opinion that the interests of our country would be conserved by the immediate internment of the said Bryan.

Yours, sincerely,

WM. E. RICHARDSON.

[Applause.]

I hope that sentiment will find a responsive echo in the heart of every true citizen of this land. [Applause.]

The SPEAKER. Is there objection.

Mr. HUDDLESTON. Mr. Speaker—

Mr. BURNETT. Mr. Speaker, reserving the right to object, I most earnestly ask that gentleman do not interject these speeches that have no reference to unanimous consents now. Other gentlemen have a lot of bills to be acted upon. Please do not put these remarks in when they are out of place, but regard the rights of other Members.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. HUDDLESTON rose.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HUDDLESTON. I rise to ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Alabama [Mr. HUDDLESTON] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects. The Clerk will report the next bill.

ANNUITIES TO MEDAWAKANTON AND WAHPAKOOTA (SANTÉE) SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I would like to speak for five minutes.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MILLER of Delaware. Mr. Speaker, in the absence of the gentleman from South Dakota [Mr. JOHNSON] I ask unanimous consent that the bill retain its place on the calendar without prejudice.

The SPEAKER. The gentleman from Delaware [Mr. MILLER] asks unanimous consent that the bill be passed over without prejudice.

Mr. STEPHENS of Nebraska. Mr. Speaker, this bill has been up several times. I hope there will be no objection to its being passed over.

Mr. MANN. Does not the gentleman intend to try to pass it later under suspension of the rules?

Mr. STEPHENS of Nebraska. Yes.

Mr. MANN. Then what is the object?

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The SPEAKER. The Clerk will report the next one.

INSPECTORS OF HULLS AND BOILERS AT TAMPA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17605) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, in the absence of the gentleman from Florida [Mr. SPARKMAN], who, I have no doubt, is detained by very important committee business, I am going to ask to have the bill passed over without prejudice.

Mr. ALEXANDER. That is the suggestion I was going to make in the absence of the chairman of the Committee on Rivers and Harbors.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BRIDGE IN SAN JUAN COUNTY, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico.

The SPEAKER pro tempore [Mr. ALEXANDER]. Is there objection?

Mr. MANN. Reserving the right to object, if the House passes this bill with the amendment of the House committee, is it the intention of the gentleman from New Mexico [Mr. HERNANDEZ] to have the law conform to the House amendment?

Mr. HERNANDEZ. Yes.

Mr. MANN. Making this reimbursable?

Mr. HERNANDEZ. Yes.

Mr. MANN. I have no objection.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I wish to inquire if the proposed bridge is across territory owned by others than Indians?

Mr. HERNANDEZ. I will say to the gentleman that white people live on one side of the river and Indians live on the other side. It is a sort of cooperative bridge, whereby whites and Indians both are going to be benefited.

Mr. STAFFORD. I understand; but the entire cost is to be borne by the Government, but the expense is ultimately to be borne by the Indians?

Mr. HERNANDEZ. Yes.

Mr. STAFFORD. So that these Indians would bear the expense.

Mr. HERNANDEZ. There was a bridge there heretofore, but that bridge was washed out three years ago by a flood, together with other bridges throughout that part of the county and section of New Mexico. The county is practically bankrupt now. The State has built a road up to the site that has been selected for the bridge and has expended over \$1,136,000 in building this road up to that point.

Mr. STAFFORD. So that as I understand the gentleman, his county is not in a financial condition at the present time to contribute toward the expense of this bridge?

Mr. MANN. As to that, they have not finished paying for the bridge that was washed out yet.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. I will say that this bridge is more necessary for the Indians than for the citizens of New Mexico living in this county.

Mr. HERNANDEZ. Yes.

Mr. STEPHENS of Texas. This is some distance from the railroad, and in order to reach the trading point the Indians have to cross this river. It is a dangerous river, filled with quicksands, and the Indians are entirely cut off from the railroad for the carriage of their wool, which they have to bring to market, and for the carriage of the stuff that they buy and take back with them after they have sold their wool; so that it is more necessary for these Indians, as our committee found in our investigations, than it is for the white people. The people are poor in that part of the country. They are frontiersmen, and they are not able to build this bridge themselves. The San Juan River is one of the main tributaries of the Colorado River of the West.

Mr. STAFFORD. Under the circumstances as stated by the gentleman I am not going to press my objection, but as the substitute amendment is drawn there is no limit of cost fixed for this bridge. I assume the gentleman will have no objection to an amendment substantially as follows:

On line 10, page 2, following the word "State," to insert "at the cost of the Government of the United States, not to exceed \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. HERNANDEZ. I have no objection.

Mr. BORLAND. Reserving the right to object, I want to ask the gentleman from New Mexico a question.

Mr. HERNANDEZ. Yes.

Mr. BORLAND. By whom is this bridge to be paid for?

Mr. HERNANDEZ. It is to be reimbursable from any funds that may come into the Treasury to the credit of the Navajo Indians.

Mr. BORLAND. Have the Navajo Indians any money or property?

Mr. HERNANDEZ. They have property, both timberlands and coal lands.

Mr. BORLAND. Ample to pay for this?

Mr. HERNANDEZ. Oh, yes.

Mr. BORLAND. So that the expense will eventually fall upon their tribal property?

Mr. HERNANDEZ. Oh, yes.

Mr. STEPHENS of Texas. There is no question about that.

Mr. SABATH. Mr. Speaker, where is this bridge to be constructed, and by whom?

Mr. HERNANDEZ. It is to be constructed under the direction of the Secretary of War.

Mr. SABATH. By whom?

Mr. HERNANDEZ. By the Indian Office, under the direction of the Secretary of the Interior.

Mr. SABATH. Who is going to pay for it?

Mr. HERNANDEZ. The Government.

Mr. SABATH. I am asking these questions because I have not had a chance to read the bill, and I could not hear it read.

Mr. HERNANDEZ. The expense is to be reimbursable from any funds that may come to the credit of the Navajo Indians.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the amendment.

Mr. GARNER. Let the bill be read, Mr. Speaker.

Mr. STAFFORD. First I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge over the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county, said bridge being absolutely necessary to enable a large portion of the Navajo Tribe of Indians to market their products of sheep, cattle, wool, manufactured blankets, jewelry, and other commodities belonging to them, so as to avoid great loss and inconvenience to them in their efforts to market such products to the north of the San Juan River. For said purpose there is hereby appropriated the sum of \$52,000, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge.

With the following committee amendment:

Amend by striking out all of section 1 and inserting in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county and State; and there is hereby appropriated the sum of \$25,000, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge: *Provided*, That said sum is to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians of the State of New Mexico."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Chair wishes to inquire if this is to be an amendment to the committee amendment or to the original bill.

Mr. STAFFORD. To the committee amendment.

Mr. HUDDLESTON. Mr. Speaker, I move to strike out the last word.

Mr. STAFFORD. I think I have been recognized to offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report. The Chair will recognize the gentleman from Alabama a little later.

Mr. STAFFORD. I move to strike out, in line 10 of the committee amendment, after the word "State," the words "and there"; after the word "appropriated," the word "the"; in line 11 strike out the words "the sum of \$25,000"; and in lines 12 and 13 strike out the words "or so much thereof as may be necessary"; and insert, after the word "State," in line 10, the words "at a cost to the Government of the United States not to exceed \$25,000, which sum, or so much thereof as may be necessary."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, by striking out, in line 10, the words "and there" and, after the word "appropriated," the words "the sum of \$25,000." In lines 12 and 13 strike out the words "or so much thereof as may be necessary" and insert, after the word "appropriated," in line 12, the words "at a cost to the Government of the United States not to exceed \$25,000, which sum, or so much thereof as may be necessary, is hereby appropriated."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] to the committee amendment.

Mr. HUDDLESTON. Mr. Speaker, I move to strike out the last word. I rise to protest against the cowardly communication that has been read into the Record attacking that splendid American, William Jennings Bryan. [Applause.] He needs no defense from me, but the dignity of the American House of Representatives demands that such a pusillanimous attack upon him should be resented. He has been three times the nominee of a great party for President of the United States and has received the suffrage of American citizens to a total aggregate greater than any other man who ever lived in America.

This is not the time for cowards; it is not the time for jingoes; it is not the time for swashbucklers, bluffers, and braggarts. This is the time for men, and William Jennings Bryan is a man. [Applause.] In a time like this moment of the Nation's peril it takes a lion-hearted courage for a man to stand up on his feet and dare to speak for peace; but let us not forget that peace should be spoken for and that, after all, the great American people are the real rulers of this country, and it is their will that should be done, not the will of any Executive nor of any other one man.

The American people are entitled to say whether they will go to war or whether they will stay out of war, and the most distinguished private citizen of our country has the right to say that he thinks this question ought to be submitted to the people. I want to say that if we are not to have free speech, if it is not to be tolerated that men shall give cool counsel in moments like this, all our teaching has been in vain and Americanism is not what we have thought it was, and is scarcely worth fighting for. If the time has come when a great man may not speak earnestly, truthfully, and wisely, even though it be in opposition to the views of the highest official authority, if that time has come, then what is it that our flag stands for and what are American liberties?

I protest against such an attack. I protest against it because it is unfair. I protest against it because it is inspired by the despicable principles, the vicious qualities, that have been so falsely ascribed to Mr. Bryan. [Applause.]

Mr. SLOAN. Mr. Speaker—

Mr. BURNETT. Mr. Speaker, may I ask that no gentleman follow this up?

Mr. SLOAN. Mr. Speaker—

Mr. BURNETT. Regular order!

The SPEAKER. The gentleman demands the regular order.

Mr. SLOAN. I move to strike out the last two words of the section.

The SPEAKER. The gentleman moves to strike out the last two words.

Mr. BURNETT. I give notice that I shall make a point of order against any man who goes away from the bill under consideration to discuss either side of this question. It is unfair to men who want business transacted.

Mr. SLOAN. Mr. Speaker, I beg the indulgence of the House for five minutes, if the gentleman from Alabama will pardon me.

Mr. BURNETT. I object.

Mr. SLOAN. An attack has been made on a distinguished citizen of my State, Mr. Bryan. As soon as the author of the attack had taken his seat I was on my feet desiring to defend a man whom I never defended before; a man whom I have opposed in all his political views for years. He has actively opposed every political ambition I ever had with all the force of his matchless eloquence. But whether his views then or now agree with ours it matters not. Affairs have not gone so far that either Mr. Bryan or any other American citizen can be charged with a lack of patriotism for advocating peace. He comes from my State, and is the idol of a large number of people of that State regardless of political affiliations. He has spoken to more people in the United States and in the world than any other living man. I protest against men on this side or that side coming in and branding as treasonable the fairly considered words or sentiments of any man, no matter how much he may differ from me.

Mr. BURNETT. Mr. Speaker, I make the point of order that the gentleman from Nebraska is out of order and not discussing the bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska may proceed for three minutes more, and I hope the gentleman will not object.

Mr. GARNER. Will that close it up?

Mr. MANN. I hope so.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Nebraska may proceed out of order for three minutes. Is there objection?

There was no objection.

Mr. SLOAN. I think it is time that we all should be calm and dispassionate. The test of patriotism is not whether we are opposed to the President of the United States or whether we support him. If there is a crisis, we know that it will come without action of the President of the United States. He has exercised his right and prerogative of severing diplomatic relations between us and one of our old-time friends. It can only be precipitated when the Congress of the United States, after deliberation at both ends of the Capitol, shall declare that we are in a state of war. It is not for gentlemen to talk of patriotism or nonpatriotism now; but when the Congress has had the issue before it and made its deliverance that we may draw strictures in speech. Until then I think that men on either side of this Chamber would do well to withhold their epithets and their compliments. [Applause.]

The SPEAKER. The pro forma amendment is withdrawn, and the question is on the amendment to the committee amendment.

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to proceed out of order for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed out of order for two minutes. Is there objection?

Mr. KING. Mr. Speaker, I object. I asked for two minutes, and it was objected to.

The SPEAKER. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HERNANDEZ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NATIONAL INSURANCE.

Mr. LONDON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 250, to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment.

The Clerk read the joint resolution, as follows:

House joint resolution 250.

Resolved, etc., That a commission is hereby created and established, to be known as the Commission on Social Insurance, hereinafter referred to as the commission. The commission shall be composed of five persons, to be appointed by the President of the United States, two of whom shall be employers of labor and two of whom shall be representatives of organized labor, the Secretary of Labor to be the fifth member of the commission and the chairman thereof. It shall be within the power of the Secretary of Labor to select a representative of the Department of Labor to act in his stead in any hearing or investigation in which the Secretary himself may be unable to participate, and said representative shall have full power to act in the name of the Secretary of Labor; but the position of the Secretary of Labor as the fifth member and as chairman of the commission shall in no wise be impaired, and in the report, findings, and recommendations of the commission his name and title shall be appended.

Sec. 2. That the members of this commission shall be paid actual traveling and other necessary expenses, and, in addition, the members of the commission, other than the Secretary of Labor or his representative appointed by him pursuant to section 1, shall receive a compensation of \$15 per diem while actually engaged in the work of the said commission and while going to or returning from such work.

The commission is authorized, as a whole or by subcommittees of the commission duly appointed, to hold sittings and public hearings anywhere in the United States; to send for persons and papers; to administer oaths; to summon and compel the attendance of witnesses and to compel testimony; to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which said commission is created; and to rent such offices, to purchase such stationery and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which the commission is created; and to authorize its members or its employees to travel in or outside of the United States on the business of the commission.

Sec. 3. That it shall be the duty of the commission to inquire into the causes of unemployment; to inquire into the subject of systems of insurance, voluntary or obligatory, contributory or noncontributory, now in vogue to meet unemployment, invalidity, and sickness, and to what extent the Government of the United States may aid by establishing a Federal insurance system for the benefit of the wage earners of the United States when in need by reason of involuntary unemployment, whether the unemployment be due to lack of work, to disability arising by reason of sickness, or to the impairment or destruction of earning capacity because of old age. If the commission shall recommend that a Federal insurance system or fund be established by the Government of the United States, it shall prepare and recom-

mend the regulations that would be necessary for the successful administration of a national insurance system or fund, the amount of said fund, and the method of cooperation with existing insurance systems.

SEC. 4. That the commission shall submit, through the President, to Congress a report containing the testimony taken, its findings, and its recommendations on or before one year from the date of the appointment of this commission.

SEC. 5. That the sum of \$50,000 is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the period ending one year from the date of the appointment of the commission: *Provided*, That no portion of this money shall be paid except upon the order of said commission signed by the chairman thereof.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. LONDON. Mr. Speaker, I hope the title, Social Insurance, will not frighten you. The title to the bill is somewhat misleading. Instead of asking for the appointment of a commission to prepare and recommend plans for the establishment of a national insurance fund, I ask for the appointment of a commission which is to inquire into the causes of unemployment, to inquire into the subject of unemployment insurance, voluntary or obligatory, contributory or noncontributory, and into the subjects of old-age pensions and health insurance. The commission is also to study the feasibility of establishing a Federal insurance system.

Four years ago, or rather in the platform of 1912, the Progressive Party put in a specific demand for social legislation, for unemployment insurance, old-age pensions, and so forth; but, strangely enough, the demand was dropped in the platform of 1916.

Several years ago the Diplomatic and Consular appropriation bill carried an appropriation in connection with an international conference on social insurance which was to be held in this city in the year 1914. The conference did not take place on account of the war.

I have not the time, nor will I attempt to go into an exhaustive analysis of the subject. I ask for a commission of inquiry, I ask that the American people and the American Congress study this problem, I ask you to study the experience of other countries, and I ask that the experience of other countries guide you only in so far as legislation of other nations can be made applicable to American conditions. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, this bill ought not to pass the House of Representatives. It strikes at the very foundation of existing insurance organizations of the United States whether they operate by authority from the State or upon the voluntary plan. There are fraternal organizations of one sort and another which good citizens have built up with a view of taking care of themselves and their families against old age, and this bill strikes at every one of them.

A few days ago, when we were discussing the revenue bill, the question of taxing insurance companies was up. It developed that from almost every corner of the country protests came, in the name of labor itself, against the unfair taxation of mutual organizations and societies that have performed a long and honorable service in protecting their members against old age or death.

Everyone sympathizes with any movement that looks toward the relief of those who are incapable of taking care of themselves, but not by the overthrow of existing agencies of a beneficial character. We have recognized the wisdom of encouraging organizations formed for the purpose of inducing men and women to be thrifty, and to guard against the possibilities of poverty and distress in their older years, but we are not yet prepared for complete socialism in this regard.

The theory as to existing insurance associations has been that the State relieves itself of caring for the unfortunate or the improvident by encouraging those voluntary efforts of the people to take care of themselves. Now it is proposed to put the burden on the State. The suggestion comes from the able but the sole Socialistic Member of this body who asks that this House take the first real step, not toward Government ownership and control of insurance only but toward the introduction and adoption of a socialistic program in the United States.

First of all, this proposal means a charge upon the Treasury and an appropriation for a commission which is to inquire into and investigate the affairs of business men and particularly fraternal and insurance associations. For an indefinite period these worthy bodies of public-spirited men and women who have accumulated funds are to be dragged into the limelight of publicity and are to be put upon the rack with respect to the methods of caring for their members in their infirmities.

We have a Department of Labor that is less than one decade old that might make this inquiry without an expensive commission, if Congress decided to embark upon this new undertaking. We are appropriating large sums of money annually to this department for all kinds of inquiries and investigations, and our desks are loaded every week with volumes of reports which doubtless contain as much information affecting insurance, affecting those in poverty and in distress, as we would obtain from a commission; yet to satisfy our friend of the Socialistic Party—able, ingenious, and earnest as he may be—we are asked to discard the Department of Labor, to employ a lot of new and expensive machinery, and create a new commission to go abroad and sensationalize, if not disturb to their detriment, a great number of legitimate beneficial organizations that now exist. We ought not to do it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. LONDON. Mr. Speaker, I yield four minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I hope the House will adopt this resolution, and I trust the Members will not be influenced by the appeal made by the gentleman from Pennsylvania [Mr. MOORE] that this is a socialistic experiment.

It is true that the resolution was introduced by the one Socialist in the House, but it is also true that it was unanimously reported to this House by the Committee on Labor, which is made up of Democrats and Republicans and which has only one Socialist member.

The fact is that social insurance is no longer the exclusive possession of the Socialist Party. It has been advocated in this country in a national way by at least one of the great parties. It has been advocated by Republicans, as was evidenced at a recent Republican caucus when distinguished members of the minority party, so I am told, urged upon their party the necessity for taking up this kind of legislation, and I think the suggestion made by those gentlemen was a wise one.

As a Democrat, I hope my party will have the wisdom to beat the Republican Party to it, because social insurance is coming in this country just as surely as rural-credits legislation came. All that was necessary in the latter instance was that the American farmer should discover what was being done across the sea, and then he insisted that he should secure similar legislation.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. KEATING. I can not yield now. The gentleman from Pennsylvania would have us believe that only Socialists advocate social insurance. I call his attention to the fact that the great Bismarck and Kaiser Wilhelm have been among the leading advocates of social insurance, and no one, so far as I know, has ever described either of those gentlemen as a Socialist. I hope this resolution will pass, not by a party vote, but by the unanimous vote of this House.

I yield back the remainder of my time.

Mr. MANN. Mr. Speaker, personally I am sick and tired of these commissions. I have had a service here now of 20 years on the 4th of March next. I do not recall any commission created by Congress which has been of any real service or value unless it consisted of a joint committee of Congress, which sometimes does effective work. We create commission after commission. Nobody reads the reports—nobody in Congress, at least. Sometimes people outside read them to hunt for an argument in favor of some belief already firmly fixed. It is here proposed to create a commission of five persons, the Secretary of Labor being named nominally, but not being expected to serve, which will run on indefinitely, with no limit as to what the expenses shall be, with no limit of time; and the purpose of the commission, as suggested by the resolution, primarily is to visit foreign countries. What man in his sane senses believes that this is a very good time to visit foreign countries to obtain information there? I may be mistaken, but it does seem to me an inopportune time, even if you wanted to do it at any time. The truth is that all the information that could be acquired under the terms of this joint resolution could be acquired within a reasonable time by a man sitting in the Library of Congress, because he would not have to listen to the wild opinions of crazy men who want to advertise themselves by getting into the headlines in newspapers

as the result of making wild statements as witnesses before some commission. That is what most of the testimony before these commissions consists of. Of course, the men who are appointed on a commission, even at a compensation of \$15 a day and expenses, will never see the time when their work is closed—never. We created a joint committee of the House and Senate last summer with directions to report by the 1st of January. I was not in favor of the proposition, and I called attention to the fact that it would not be possible for that committee to make a report by the 1st of January, considering that there was a political campaign then in progress and that every member of that committee would be in that campaign. But we were told they would be ready to report. The 1st of January has long since passed, and they really have not yet commenced work. They have had their time extended after two efforts, and purely as a matter of good nature by the House and Senate because of the individuals who were involved.

You commence these; you never end them. It is not the way to get legislation if you want legislation. Of course, we all know that the Government of the United States, under the Constitution as it now exists, has no power to do what is desired to be done under the terms of this resolution, and I doubt the advisability of Congress creating a one-sided commission for the purpose of getting amendments made to the Constitution. A little while ago we had up a proposition to obtain information relative to marriage and divorce, the main purpose of which was to get a constitutional amendment to give Congress control uniformly throughout the United States over questions of divorce if not marriage. If people believe in propagandas to amend the Constitution let them work it out as all such things have been worked out in the past, by the diffusion of opinions and information among the people from person to person. It is not the duty of the General Government, every time some man wants to amend the Constitution, to hunt information in favor of the amendment. A commission like this appointed will necessarily be a one-sided commission. If it is not, it is of no value. I am against the creation of any more of these commissions. I think that the Members of the Congress who draw \$7,500 a year—which is more than \$15 a day—ought to know something. I do not mean to say we do [laughter], but that is what we are sent here for, and that is what we are paid for. Every time a Member of Congress, who ought to investigate and study for himself, who ought to work himself, who wants to bring information which he requires before the Congress, proposes a commission I think he ought to quit the business and let some one competent to fill his job come in his place. [Applause.] We constantly go on the theory that we do not know anything, that we are not qualified to learn anything, that a body of 435 men in this House, drawing \$7,500 a year, can not do anything, can know nothing unless we appoint some clerk to gather together some information and give us the clerk's opinion. That is one reason why we have grown in disfavor with the people, and the people do not have as much respect for Congress as they used to have. We are constantly putting upon the executives all the work, shirking it ourselves, refusing to accept our responsibility, and then hoping that the people will excuse each of us personally; one at a time, at least. Let us do without commissions, and if we have work to do, do it ourselves. Mr. Speaker, I reserve the balance of my time. [Applause.]

The SPEAKER. The gentleman reserves five minutes.

Mr. LONDON. Mr. Speaker, I believe I have 12 minutes' time remaining?

The SPEAKER. The gentleman has used seven minutes.

Mr. LONDON. I yield three minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I am unwilling to admit that the Members of this House do not know anything; but, on the other hand, I am not going to say that all of the Members are thoroughly posted and informed on every subject that is or might be from day to day submitted to the House, though we might have some who are and are willing to admit that they know it all.

Mr. Speaker, the argument made by my colleague [Mr. MANN] against the commission has been made many times heretofore, and I must confess that there is a great deal of force and truth in what he says as to the multiplicity of commissions. On the other hand, we do secure at times very valuable information from commissions created, which information, when favorably acted upon, often results in beneficial legislation.

Mr. Speaker, in the Sixtieth Congress, nearly 10 years ago, when I introduced the first workmen's compensation bill, very few Members were then familiar with the principle underlying the bill, and a great many objections were raised against it. It was claimed by many, as it is claimed to-day, that under our Constitution no workmen's compensation bill could be

drafted that would be constitutional. I was then charged with trying to bring about a complete change and reversal of our liability laws. Yes; some even charged that the proposition was socialistic, and that I was endeavoring to overthrow the established system of jurisprudence by shifting the responsibility for injuries sustained from the employee to the employer.

For several years I failed to secure recognition of my bill, but finally the Judiciary Committee, to which the bill had been referred, in lieu of the bill reported a resolution providing for a commission, just as this bill provides, which would investigate the entire question and the principle on which my bill was drafted. I did not at first look upon the commission with favor, but accepted it. Notwithstanding the fact that it did not report the bill in which I was so vitally interested, it did recognize the principle of workmen's compensation and recommended a bill similar to mine, but which did not give the compensation to the injured employee that I thought and still think should be awarded.

Nevertheless, the information given by the commission and the publicity given the principle upon which the proposition is founded had a wholesome effect; so much so that within a few years the majority of the States repealed the liability law and enacted workmen's compensation statutes. The House itself during the last session, by a nearly unanimous vote, passed a workmen's compensation law applicable to the Government employees, and I doubt very much that such legislation would have been secured had it not been for the information secured by the commission. The report of the commission not only enabled the membership of the House to familiarize itself with the proposition, but secured for them valuable information.

I feel satisfied that if the resolution which is now pending is favorably acted upon and a commission is created, information will be secured which will show that each and every country, which had adopted old-age pensions, sickness and invalidity insurance, and unemployment insurance, acted wisely, humanely, and for the best interests of the country. I am pleased to say that I introduced resolutions in the Sixty-second and Sixty-third Congresses on this subject, and believe that it is only a question of time before this proposed legislation will be enacted into law by Congress.

For this reason I am heartily in favor of this resolution, believing that knowledge of this subject, as on any other subject, can not hurt anyone and, on the contrary, will guide us in the right direction.

Mr. LONDON. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is correct about commissions to some extent. A great many commissions are appointed for the purpose of side-tracking legislation, and other commissions are appointed for the purpose of giving us some knowledge on which to act. We could not get a comprehensive report on this intricate question from a committee of this House. The report would almost certainly be partisan. The multiplicity of our duties would necessarily interfere with the thoroughness of an investigation by a committee of Congress. I confess if I had my way I should provide that all five of these commissioners should be appointed by the President. I should not name the Secretary of Labor as one of the commissioners, because he has other duties to perform.

Furthermore, there is no question that even commissions which are appointed for the purpose of staving off legislation, as a matter of fact, often do good work.

In 1907 a commission was appointed on the immigration question for the purpose of staving off immigration-restriction legislation. The results of its findings were embodied in the Burnett immigration bill, which has just passed over the President's veto. It was that immigration commission which reported that the best way to restrict immigration is by means of an educational test.

The commission proposed in this resolution is not devised for the purpose of staving off legislation, but for the purpose of obtaining legislation. Without a very thorough report we do not know what sort of legislation we need. Yet many of us think that social insurance ought to be instituted either by the States or by the United States or by a combination of the two, probably the latter. Social-insurance legislation is proving a success in various countries of the world, and I believe that we ought to institute it here in the United States. They have different systems in different countries of the world. The British Parliament, when it finds itself face to face with a new question, puts a commission at work to investigate it. The results of the commission's studies are incorporated in what is known as a blue book. These blue books are among the most useful works on political economy of which I have any knowledge.

The SPEAKER. The time of the gentleman has expired.

Mr. LONDON. Does the gentleman desire more time?

Mr. GARDNER. Half a minute.

Mr. LONDON. I yield one minute more to the gentleman.

Mr. GARDNER. I believe that if this commission is appointed, and if the members devote their attention to elucidating this question and do not fritter away their energy in trying to dish each other, we shall get real results. If they try to cooperate, I believe that they can do so, and I believe that they can and will recommend legislation which will meet the approval of the country.

Mr. LONDON. Does the gentleman from Illinois [Mr. MANN] desire to use more time?

Mr. MANN. Is the gentleman going to conclude in one speech?

Mr. LONDON. Yes; I have six minutes. Does the gentleman intend to use his time?

Mr. MANN. Does the gentleman intend to conclude in one speech?

Mr. LONDON. Yes; I will conclude in one speech.

Mr. MANN. Mr. Speaker, my friend and colleague from Chicago spoke of the commission that was created some years ago in reference to compensation of railroad employees. I believe he introduced a bill on the subject. It was not a very happy reference. The commission created at a very considerable expense investigated the subject of compensation to railroad employees who were injured in the service. That commission made an elaborate report, presented an elaborate bill, which it recommended for passage. Under the influence of the commission the bill passed the House. The bill passed the Senate, I believe, with some amendments, and came back to the House. This was a Congress or so ago, and the bill has been as dead as a last year's smelt ever since. There is no one in the House who has had the courage to revive it. It was revived in the next Congress. I think the bill was introduced in that Congress, but I am not sure. However, it was reported but was not called up for passage. I do not think it has been reintroduced in this Congress. It has not been reported. The commission was an elaborate one, which made an elaborate report, and each House, under the inspiration of the moment, passed the bill; but when the railroad employees learned what was in it, how it betrayed their rights, and called the attention of Members of Congress to the betrayal, the whole thing was dished. It was ended. It took a good deal of courage on the part of somebody in the House in the closing days of Congress to prevent one of the bodies to agree to the amendments of the other. I think that took place here, though I am not sure about that. That is the result of not doing the work yourself of obtaining information.

For years I belonged to a committee of this House which brought in more important legislation than any other committee of the House, and it never in my day resorted to a commission. It never shirked its responsibility. The members of it studied and knew themselves what this House will never learn through asking a clerk to do the work.

Mr. LONDON. Mr. Speaker, in reply to the arguments advanced by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Illinois [Mr. MANN], I desire to say that the object of this commission is to give a start to and begin the study of a great and vexed subject. The work of the commission will not be permitted to die, because the subjects with which the commission is to deal present live problems. Will unemployment be with us? Yes.

Mr. SHERLEY. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. SHERLEY. How about the commission a couple of years ago that was appointed to consider the causes for social unrest?

Mr. LONDON. I will answer that a minute later, when I will have developed this point.

Unemployment will be with us, and therefore a commission that will be engaged in the study of the causes of unemployment will be under constant pressure to study the subject. And Congress will not permit it to die.

You are being continuously urged by Government employees for old-age pensions. Several members of the Cabinet have recommended it. You promised, as a matter of fact, in the last platform of the Democratic Party, old-age pensions for Government employees. You are not prepared to legislate on this subject. You do not know enough of it. You refuse to study it. The object of this commission is to study the problems of old-age pensions and other forms of social insurance. Social insurance has descended from the realm of speculation. Many of its principles have been adopted in a number of countries—in England, France, Germany, and so forth.

In England unemployment insurance was adopted most reluctantly in the year 1911, but it has proven a tremendous success. And in answer to the gentleman from Pennsylvania, who fears the interest of the insurance companies might be adversely affected, I will say it will be the business of the commission to study to what extent you are to cooperate with existing insurance institutions, with fraternal insurance institutions, and with labor unions. In other words, it is a commission to study, a commission to acquire knowledge and systematize knowledge, a commission to coordinate bits of information scattered here and there and to prepare it for the consideration of Members of Congress.

Mr. KELLEY. Now, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. LONDON. Yes.

Mr. KELLEY. I understood the gentleman from New York to say that there was neither a time limit nor an expense limit in this resolution. Is that correct?

Mr. LONDON. I think they are to report in one year, and I think they are limited to an expenditure of \$50,000.

Now, in answer to the suggestion of the gentleman from Kentucky [Mr. SHERLEY], I desire to say that the report of the Commission on Industrial Relations is not without value. As you carefully read and study those 11 volumes you may not find a solution of the problem that the commission has presented to you, but the commission has done one thing—it has presented the problem in a most emphatic way.

Mr. SHERLEY. If the gentleman will permit, I may say that nothing that a man does is without value, even if it may be only to show how foolish it is. But can we not ascertain all this information for ourselves better than through a commission such as you desire to create?

Mr. LONDON. There is no doubt but that if Members of Congress would devote a year's study to this subject for themselves they would acquire that knowledge for themselves. But those of you who are familiar with the subject know that it is necessary for some one to gather together all available knowledge, and, in a way, to provide a course of literature and of study for the Members of Congress.

Mr. MEEKER. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. LONDON. Yes.

Mr. MEEKER. Does the gentleman think that the Commission on Industrial Relations succeeded in coordinating those points in the 11 volumes which they issued?

Mr. LONDON. I very much doubt whether the gentleman from Missouri has read those 11 volumes.

Mr. MEEKER. I have read some part of them; but—

Mr. LONDON. If the gentleman has read only a part of it he does not know to what extent his judgment would be changed by that part which he has not read. [Applause.]

Mr. MEEKER. Mr. Speaker, will the gentleman yield again?

Mr. LONDON. Yes.

Mr. MEEKER. Would the gentleman consider as of any value the volumes that have not been published—this wagon-load of stuff, in addition to the printed report, that is mere talk?

Mr. LONDON. Well, when a man knows what he is talking about, talk is a most useful thing. [Applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. LONDON. Yes.

Mr. CRAMTON. I assume that the plan of legislation that the gentleman proposes would be intended to aid not only one class of labor but all classes of labor.

Mr. LONDON. We limit the commission to no particular class or group of society.

Mr. CRAMTON. Then why does the gentleman limit the labors of the commission to the study only of the question of organized labor, leaving unorganized labor, which is much more numerous, without any representation?

Mr. LONDON. That is true only so far as the personnel of the commission is concerned. Unfortunately the unorganized laborer does not possess the solidarity, the efficiency, the intelligence, or the virtue necessary to consider broad questions.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. LONDON. Yes.

Mr. MILLER of Minnesota. Does not the gentleman mean to confine the deficiencies of unorganized labor to a lack of soli-

darity, efficiency, and intelligence, and not to a lack of virtue? [Laughter.]

Mr. LONDON. Oh, I will say to the gentleman that I have more respect for the man who subordinates his own interests to the interests of his class than for the man who defies the whole world and works for himself and himself only. [Applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CRAMTON. You speak of their ability to select men to represent them. This commission is to be appointed by the President of the United States. Could not the President select a man outside of organized labor to represent that branch of labor?

Mr. LONDON. Well, he could; but after all, that is not a vital provision of the bill. I do not believe it is vital. If it be a defect it does not destroy the value of the bill, and I therefore ask gentlemen who agree with the main purpose of the bill to vote for it in spite of its shortcomings. [Applause.]

Mr. CRAMTON. This resolution provides for a lopsided commission, and you would have a lopsided investigation and a lopsided report.

Mr. LONDON. It would not be a lopsided commission. The President of the United States will appoint the members of the commission. If you can trust the President and ascribe to him sufficient intelligence to appoint a commission to investigate other matters in foreign countries, why not let him be vested with discretion to appoint five men in this matter? This debate is interesting in itself, I may say, but it does not go to the merits of the proposition.

Mr. CRAMTON. But the gentleman himself did not show sufficient confidence in the President to permit him to select this commission without strange restrictions as to personnel.

Mr. JAMES. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. LONDON. Yes.

Mr. JAMES. I think there is one thing that we should take into consideration, and that is that the President should appoint the five. You ask about union labor being represented. You know from your hearings that the chief officials are opposed to union labor. It seems to me it should be left to the representatives of all labor.

Mr. LONDON. They were opposed to compulsory insurance. They were not opposed to the study of the problems.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. BUCHANAN of Illinois. Mr. Speaker, I am going to ask unanimous consent again to proceed for two minutes. I have information that under the circumstances I believe the Members will be interested in.

The SPEAKER. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, in these troublous times, when the earnest, sincere, and patriotic Members of Congress have on their minds the question of war, it seems to me it is important to know the sentiments and wishes of the men who will be required to fill the rifle pits and the trenches in case we do become involved in this awful carnage of war in Europe. I therefore desire to read into the RECORD a telegram that I received to-day from the Chicago Federation of Labor, which represents about 300,000 working men and women:

CHICAGO, ILL., February 4, 1917.

FRANK BUCHANAN,
Washington, D. C.:

The Chicago Federation of Labor, in regular meeting assembled, protests against the country taking part in the war in Europe. We demand that American citizens be prevented from entering the war zone.

CHICAGO FEDERATION OF LABOR,
JOHN FITZPATRICK, President,
E. N. NOCKELS, Secretary.

* This is the word from the men who are working at their trades in the city of Chicago, and who, as I say, will be called on to do the fighting in case we become involved.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, on a division (demanded by Mr. LONDON) there were—ayes 67, noes 65.

Mr. NOLAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present. The Chair will count.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. If a quorum develops, will that take away the right to demand the yeas and nays?

The SPEAKER. It will not. [After counting.] One hundred and seventy-one Members; not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing this bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 189, nays 138, answered "present" 2, not voting 104, as follows:

YEAS—189.

Abercrombie	Eagle	Konop	Rogers
Adamson	Edwards	Lazafo	Rouse
Alexander	Ellsworth	Lee	Rubey
Allen	Elston	Lever	Rucker, Mo.
Almon	Emerson	Lewis	Russell, Mo.
Anderson	Esch	Lindbergh	Sabath
Ashbrook	Evans	Littlepage	Scully
Aswell	Farley	Lloyd	Sears
Ayres	Farr	London	Shackleford
Bailey	Ferris	McAndrews	Shallenberger
Barkley	Flood	McCracken	Shouse
Barnhart	Focht	McCulloch	Siegel
Boehrer	Fuller	McDermott	Sims
Borland	Gallagher	McGillcuddy	Simnett
Bowers	Gandy	McKellar	Smith, Idaho
Browne	Gardner	Maher	Smith, N. Y.
Brumbaugh	Goodwin, Ark.	Mapes	Smith, Tex.
Buchanan, Ill.	Gray, Ala.	Martin	Stegall
Burke	Gray, Ind.	Mays	Stedman
Burnett	Griffin	Miller, Pa.	Steele, Iowa
Byrnes, S. C.	Hamlin	Moon	Steenerson
Byrns, Tenn.	Hardy	Morgan, La.	Stephens, Nebr.
Caraway	Harrison, Va.	Morgan, Okla.	Stephens, Tex.
Carlin	Hastings	Moss	Stone
Carter, Okla.	Hayden	Mott	Stout
Cary	Heflin	Murray	Summers
Casey	Helgesen	Neely	Sutherland
Charles	Helvering	Nelson	Taggart
Church	Hensley	Nicholls, S. C.	Talbott
Cline	Hilliard	Nolan	Tanner
Coady	Holland	North	Taylor, Ark.
Collier	Hollingsworth	Oldfield	Taylor, Colo.
Connelly	Hood	Oliver	Temple
Cooper, Ohio	Huddleston	O'Shaunessy	Thompson
Crisp	Hughes	Overmyer	Tillman
Crosser	Hull, Iowa	Padgett	Vinson
Cullop	Humphreys, Miss.	Phelan	Walker
Dallinger	Igoe	Pratt	Watkins
Davis, Minn.	Jacoway	Quin	Watson, Va.
Davis, Tex.	James	Hainey	Williams, W. B.
Decker	Johnson, Ky.	Raker	Wilson, Ill.
Dent	Keating	Ramseyer	Wilson, La.
Dickinson	Kennedy, R. I.	Randall	Wingo
Dillon	Kent	Rauch	Woodyard
Dixon	Kettner	Reavis	Young, N. Dak.
Doolittle	Kincheloe	Reilly	
Dowell	Kinkaid	Ricketts	
Dupré	Kitchin	Roberts, Nev.	

NAYS—138.

Adair	Gard	Longworth	Sanford
Anthony	Garland	McArthur	Scott, Mich.
Austin	Garner	McClintic	Sherley
Bacharach	Glass	McFadden	Sisson
Black	Glynn	McKenzie	Slayden
Blackmon	Good	McKinley	Slomp
Britt	Gordon	McLaughlin	Sloan
Britten	Gould	McLemore	Small
Browning	Gray, N. J.	Madden	Smith, Mich.
Buchanan, Tex.	Greene, Mass.	Magee	Snell
Burgess	Greene, Vt.	Mann	Snyder
Butler	Hadley	Matthews	Stafford
Cannon	Hamilton, Mich.	Meeker	Steele, Pa.
Capstick	Hamilton, N. Y.	Miller, Del.	Stephens, Miss.
Carter, Mass.	Haugen	Miller, Minn.	Sterling
Chapfield	Hawley	Mondell	Stiness
Cooper, W. Va.	Heaton	Montague	Sulloway
Copley	Helm	Moore, Pa.	Sweet
Cox	Hernandez	Moores, Ind.	Tilson
Crago	Hicks	Morrison	Timberlake
Cramton	Houston	Mudd	Treadway
Curry	Howell	Norton	Volstead
Danforth	Hull, Tenn.	Oakey	Walsh
Darrow	Husted	Olney	Ward
Dempsey	Hutchinson	Page, N. C.	Webb
Denison	Johnson, Wash.	Paige, Mass.	Wheeler
Dewalt	Kahn	Park	Williams, T. S.
Drukker	Kearns	Parker, N. J.	Williams, Ohio
Dunn	Kelster	Parker, N. Y.	Wilson, Fla.
Edmonds	Kelley	Peters	Winslow
Fess	Kennedy, Iowa	Platt	Wood, Ind.
Fitzgerald	Kiess, Pa.	Rayburn	Woods, Iowa
Fordney	King	Rodenberg	Young, Tex.
Foss	Langley	Rowe	
Freeman	Lehlbach	Russell, Ohio	

ANSWERED "PRESENT"—2.

Dill Venable

NOT VOTING—104.

Aiken	Caldwell	Coleman	Dooling
Barchfeld	Callaway	Conry	Doremus
Beakes	Campbell	Cooper, Wis.	Doughton
Beales	Candler, Miss.	Costello	Driscoll
Bell	Cantrill	Dale, N. Y.	Dyer
Benedict	Carew	Dale, Vt.	Eagan
Bennet	Chandler, N. Y.	Davenport	Estopinal
Bruckner	Clark, Fla.	Davis	Fairchild

Fields	Henry	Lobeck	Schall
Flynn	Hill	Loft	Scott, Pa.
Foster	Hinds	Loud	Sells
Frear	Hopwood	Mooney	Sherwood
Gallivan	Howard	Morin	Smith, Minn.
Garrett	Hulbert	Nichols, Mich.	Sparkman
Gillett	Humphrey, Wash.	Oglesby	Swift
Godwin, N. C.	Johnson, S. Dak.	Patten	Switzer
Graham	Jones	Porter	Tague
Green, Iowa	Key, Ohio	Pou	Thomas
Gregg	Kreider	Powers	Tinkham
Griest	Lafean	Price	Towner
Guernsey	La Follette	Ragsdale	Van Dyke
Hamill	Lenroot	Riordan	Vare
Harrison, Miss.	Leshor	Roberts, Mass.	Wason
Hart	Liebel	Rowland	Watson, Pa.
Haskell	Liebel	Rucker, Ga.	Whaley
Hayes	Linthicum	Saunders	Wise

So, two-thirds having failed to vote in the affirmative, the motion to suspend the rules was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. BEAKES with Mr. MOONEY.
 Mr. DAVENPORT with Mr. FREAR.
 Mr. LIEBEL with Mr. TINKHAM.
 Mr. DALE of New York with Mr. HASKELL.
 Mr. LOFT with Mr. HUMPHREY of Washington.
 Mr. CLARK of Florida with Mr. FAIRCHILD.
 Mr. CALDWELL with Mr. BEALES.
 Mr. DOREMUS with Mr. GRIEST.
 Mr. FLYNN with Mr. JOHNSON of South Dakota.
 Mr. GALLIVAN with Mr. MORIN.
 Mr. TAGUE with Mr. LOUD.
 Mr. HARRISON of Mississippi with Mr. NICHOLS of Michigan.
 Mr. SAUNDERS with Mr. ROWLAND.
 Mr. VAN DYKE with Mr. SELLS.
 Mr. WISE with Mr. GUERNSEY.
 Mr. HULBERT with Mr. SCOTT of Pennsylvania.
 Mr. JONES with Mr. SMITH of Minnesota.
 Mr. PATTEN with Mr. BARCHFELD.
 Mr. WHALEY with Mr. GRAHAM.
 Mr. THOMAS with Mr. COOPER of Wisconsin.
 Mr. SHERWOOD with Mr. COLEMAN.
 Mr. RUCKER of Georgia with Mr. BENNET.
 Mr. RIORDAN with Mr. WATSON of Pennsylvania.
 Mr. RAGSDALE with Mr. VARE.
 Mr. POU with Mr. WASON.
 Mr. LOBECK with Mr. TOWNER.
 Mr. LINTHICUM with Mr. SWITZER.
 Mr. KEY of Ohio with Mr. SWIFT.
 Mr. BELL with Mr. BENEDICT.
 Mr. HOWARD with Mr. SCHALL.
 Mr. HENRY with Mr. ROBERTS of Massachusetts.
 Mr. GREGG with Mr. HOPWOOD.
 Mr. FIELDS with Mr. DYER.
 Mr. CANDLER of Mississippi with Mr. DALE of Vermont.
 Mr. CAREW with Mr. CHANDLER of New York.
 Mr. CONRY with Mr. GREEN of Iowa.
 Mr. DOOLING with Mr. HAYES.
 Mr. DOUGHTON with Mr. HILL.
 Mr. DRISCOLL with Mr. HINDS.
 Mr. FOSTER with Mr. KREIDER.
 Mr. GARRETT with Mr. LAFEAN.
 Mr. HAMILL with Mr. PORTER.
 Mr. BRUCKNER with Mr. POWERS.
 Mr. DIES with Mr. CAMPBELL.
 Mr. DILL with Mr. LA FOLLETTE.

The result of the vote was then announced as above recorded. A quorum being present, the doors were opened.

BANKING AND CURRENCY.

Mr. LINDBERGH. Mr. Speaker, I asked unanimous consent to file minority views on a bill which came from the Committee on Banking and Currency. A new bill was introduced, which gave it a new number, and I therefore ask unanimous consent to file the report (No. 1406, pt. 2) on the new bill (H. R. 20661).

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MEDAWAKANTON AND WAHPAKOOTA SIOUX INDIANS.

Mr. STEPHENS of Nebraska. Mr. Speaker, I move to suspend the rules and pass the House substitute for the bill S. 135, an act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The House substitute was read, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with

right of appeal as in other cases for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of 1863: *Provided*, That the treaty of 1863 shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as herein-after provided, per capita to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 5 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed \$25,000: *Provided further*, That the court shall, by its decree, distribute such fees equitably between the attorneys who have been employed by said bands of Indians in said cause.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Nebraska has 20 minutes.

Mr. STEPHENS of Nebraska. Mr. Speaker, this bill provides for the sending to the Court of Claims for adjudication the claims of the Santee Indians based on treaty negotiations with the Government in 1837 and in 1851. It has passed this House by unanimous consent three different times.

Mr. GARNER. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. GARNER. Is it a unanimous report from the Committee on Indian Affairs?

Mr. STEPHENS of Nebraska. It is a unanimous report from the Committee on Indian Affairs, and has been unanimously reported three different times since I have been in Congress and passed the House three times by unanimous consent. It is probably the most justifiable claim that has been made against the Government by any Indian tribe in this country. Prior to 1837 these Indians owned a large section of land in Illinois. They ceded it to the Government of the United States for the consideration of an annuity of \$15,000 a year forever. In 1851 they ceded all the land they held in Iowa and Minnesota for a consideration of \$61,000 a year, to be paid for 50 years.

During the Indian outbreak in 1862 a portion of these Indians went on the warpath. As a result of this outbreak, the Congress of the United States, in 1863 abrogated its treaties with these Indians, and the result is that they have not been paid one dollar upon these annuities since the abrogation of the treaty in 1863. There was never a more justifiable claim against the Government than this one. These Indians ceded the finest tracts of land in this country to the Government of the United States for a consideration of from 1 to 30 cents an acre in the States of Illinois, Iowa, and Minnesota.

This bill proposes to send this claim to the Court of Claims for adjudication, and I believe it ought to pass. I reserve the remainder of my time.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. DILLON. There were about 25 families of the Santee Sioux who left Nebraska and went to Flandreau in the year 1869. I want to ask the gentleman if this bill will carry their rights?

Mr. STEPHENS of Nebraska. It protects the rights of every member of the Wahpakoota and Medawakanton branches of the Sioux Indians known as the Santee Sioux. Are they Santee Sioux?

Mr. DILLON. Yes; these 25 families were Santee Sioux, and they left Nebraska and went to Flandreau, and their rations were withheld for a period of four years, during the years 1871, 1872, 1873, and 1874.

Mr. STEPHENS of Nebraska. They would come under the terms of this bill?

Mr. STEPHENS of Texas. Is it not a fact that part of these Indians only went on the warpath, and it was the intention of the Congress to only forfeit the lands and annuities and rights of those who were on the warpath, and not to forfeit the rights of these two bands of Wahpakootas and Medawakantons?

Mr. STEPHENS of Nebraska. That is correct. The leaders of this rebellion among the Indians were the young men of the tribe who could not be controlled by the chief, and most of them were apprehended, several of them hanged, 200 of them imprisoned, and those others who were not captured and hanged or imprisoned escaped to Canada, and they never returned to this country.

The people who are supposed to be benefited by this bill are the innocent Indians; and even though they participated in the rebellion it would not be fair to these Indians, in view of the precedents established by the Government of forgiving all depredations and insurrections among the various Indian tribes of the country and restoring to them their annuities provided for by Government treaties, to withhold the annuities from these Indians now. For example, many tribes in Oklahoma joined the Southern Confederacy during the Civil War, and their annuities were forfeited at that time by act of Congress in July, 1863; and in every single instance those annuities have been restored. Not only that, but every Indian tribe in the United States, excepting this one single Indian tribe known as the Santee Sioux, has been forgiven and their annuities restored.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. EMERSON. How can you tell at this time those that were in insurrection and those who were not? Fifty-five years have elapsed.

Mr. STEPHENS of Nebraska. We have a roll of them, and we know by the records who participated in the rebellion.

Mr. STEPHENS of Texas. Is it not a fact that one of the purposes of this bill is to ascertain how many Indians did forfeit and how many Indians would be entitled in the event you can not sustain the right of those who did go on the warpath to their annuity? I think they should be entitled to their annuity.

Mr. STEPHENS of Nebraska. That is correct; and the right of these Indians has already been established. There were two branches of the Sioux engaged in this outbreak—the upper Sioux and the lower Sioux. We sent the case of the upper Sioux to the Court of Claims in 1902, and the Court of Claims adjudicated the difference between the Government and these people and restored the annuities of the upper Sioux and established all of the damages that were a proper charge against these Indians at that time on account of the outbreak and rendered judgment in favor of the upper branch of the Sioux. These two branches participated alike in the outbreak. Therefore, if the court was correct in restoring the annuities to the upper branch of the Sioux, it would likewise be correct if it restored the annuities of the lower branch.

Mr. SUMNERS. I understand the theory of this bill is that the Indians who participated in this outbreak were punished for that participation?

Mr. STEPHENS of Nebraska. Yes.

Mr. SUMNERS. And now the descendants of the Indians who did participate and were punished will be permitted to participate in the benefits?

Mr. STEPHENS of Nebraska. They would, of course; but there are practically no descendants, because they were mostly young men who participated in the outbreak.

Mr. SUMNERS. But in the bill you do not propose to draw any line of cleavage along that line.

Mr. STEPHENS of Nebraska. Not on the descendants.

Mr. CARTER of Oklahoma. I notice the Indian appropriation bill, which is now in conference, has an amendment on page 80 which contains, I think, the Senate bill, which has been stricken out by the House Committee on Indian Affairs.

Mr. STEPHENS of Nebraska. That is correct.

Mr. CARTER of Oklahoma. The House committee has reported a new bill. Will the gentleman, as briefly as he can, explain the difference between these two measures?

Mr. STEPHENS of Nebraska. Well, the difference between the Senate bill and the House bill is principally in the fees allowed attorneys. That has been the bone of contention for many years. These poor Indians have been robbed of their rights, or, rather, had their rights withheld for 25 years very largely on account of contending factions and attorneys who have wanted to take advantage of the situation to secure larger fees than in the judgment of the House they were entitled to.

Mr. CARTER of Oklahoma. And this House bill also restricts—

Mr. STEPHENS of Nebraska. That House bill restricts attorneys fees to 5 per cent—

Mr. CARTER of Oklahoma. I mean it restricts the cases somewhat. It allows some offsets that are not allowed in the Senate bill.

Mr. STEPHENS of Nebraska. Oh, yes; it allows the Government to charge against these Indians, against these annuities, everything that the Government has paid to them in all the years since these annuities were abrogated.

Mr. CARTER of Oklahoma. In other words, the House bill makes provisions strict enough that a good case will have to be made out in the Court of Claims before judgment can be rendered?

Mr. STEPHENS of Nebraska. That is correct.

Mr. CARTER of Oklahoma. Will the gentleman tell the House how much will be the maximum amount that might be allowed by the court?

Mr. STEPHENS of Nebraska. Well, I think these Indians would recover something like a million dollars should the bill pass. I apprehend that the court would probably find that the Government owed them, after deducting \$2,000,000 for damages and other considerations, that the Government would still owe them something like a million dollars.

Mr. EMERSON. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I do.

Mr. EMERSON. As I understand, this bill simply gives the Court of Claims authority to assess damages, does it not?

Mr. STEPHENS of Nebraska. It gives the Court of Claims authority to ascertain what rights these Indians have under these treaties and ascertain the amounts, if any, that are due them.

Mr. EMERSON. But the Court of Claims would have no authority without this act?

Mr. STEPHENS of Nebraska. No.

Mr. EMERSON. These Indians were in rebellion against the United States?

Mr. STEPHENS of Nebraska. Yes; some of them.

Mr. EMERSON. We do not give pensions to Confederate soldiers.

Mr. STEPHENS of Nebraska. No; but we restored the rights of all the Indian tribes of this country, under former treaties, who were Confederate soldiers. In fact, most of the Indians in Oklahoma joined the Confederate Army. Many tribes in Oklahoma, especially the Five Civilized Tribes, enlisted in the Confederate Army, and the annuities which were abrogated by the Government were restored to them directly after the war, and every dollar of those annuities were paid.

Mr. EMERSON. Why is an Indian in rebellion against the United States better than a white man in rebellion against the United States?

Mr. STEPHENS of Nebraska. Because these Indians had rights under former treaties that had nothing to do with the rebellion. They gave up the richest sections of the States of Iowa, Illinois, and Minnesota to the Government of the United States at the price of 1 cent, 10 cents, and 30 cents an acre, and this Government has refused to this day to pay them even that pittance for the finest lands in the world.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has nine minutes left.

Mr. MANN. Mr. Speaker, this matter has been before the House a good many times, and the gentleman could have passed this bill in a minute, in my judgment, without a dissenting voice or vote in the House if he could get the House to believe that the bill passed by the House would ever become a law. We had an agreement to that effect in the last Congress, practically an agreement, and there was no law enacted, and the expectation is that if this bill passes the House in any shape the House conferees now on the Indian appropriation bill will be asked to agree to the Senate item in that bill covering the same thing in the same language as the Senate bill in this case which the House committee has proposed to strike out. Now, if the House

conferees on the Indian appropriation bill would refuse to let the Senate write the measure that has been advocated by some of them, a measure which has passed the Senate, a Senate amendment, I would not object to bringing it in in conference, or I would not object to an individual bill passing and a conference being agreed to.

Mr. CARTER of Oklahoma. The gentleman spoke about the House conferees agreeing. I will say, as one of the conferees, that it is always my intention to stand by the provisions of the House. So far as I am concerned, I shall expect to do all in my power to try to have the House provision that is now before the House incorporated in the bill or passed, and not the Senate provision.

Mr. STAFFORD. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. The gentleman from Oklahoma interpellated the gentleman from Nebraska [Mr. STEPHENS] as to the amendment in the sundry appropriation bill, No. 112. I wish to ask the gentleman from Texas in the gentleman's time whether that was the item I asked to have a separate vote on before it was agreed to in conference?

Mr. STEPHENS of Texas. I think that was one of the items.

Mr. STAFFORD. There is no question about it, and the gentleman stated in private conversation to me that under no circumstances would he agree to it without the House had an opportunity to vote on it.

Mr. STEPHENS of Texas. I think the gentleman knows that the members of the committee that have the Indian appropriation bill in charge now will stand by the action of this House in the present bill as well as heretofore. We can not pledge what we will do. It is well known it is a matter of compromise between the two Houses. We will report the House bill if there is any chance to do it; and if not, we will report back to the House the situation.

Mr. MANN. I have great confidence in the conferees on the part of the House.

Mr. GARNER. May I interrupt the gentleman?

Mr. MANN. Always.

Mr. GARNER. Under the rules of the House, as the Indian appropriation bill is now situated, could the conferees on the part of the House incorporate the present bill in the Indian bill in lieu of the amendment that the Senate inserted?

Mr. MANN. They could; yes.

Mr. GARNER. And be within the rule of the House?

Mr. MANN. Yes.

Mr. GARNER. Now, if I understand the gentleman from Texas—

Mr. MANN. But the Senate conferees will not let them.

Mr. GARNER. The gentleman from Texas [Mr. STEPHENS] and the gentleman from Oklahoma each have suggested that they will do everything in their power, and they have some power in the premises, to insert this provision in the bill.

Mr. MANN. The gentleman from Texas [Mr. GARNER] asked me a question, and I made an erroneous answer. The gentleman asked me if the House conferees could insert the proposition inserted in the House in lieu of the Senate amendment. I said they could. I was in error. They could try to do it, but I do not think they could.

Mr. STEPHENS of Texas. We could at least pledge the House that we would stand by the House bill, and in the event that the Senate would not agree, we could report back to the House and leave the matter with them to adjust.

Mr. MANN. I have no complaint about what the action of the House conferees has been and their attitude.

Mr. CANNON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CANNON. Is this provision in substance on the Indian appropriation bill?

Mr. MANN. Let me give a little history of the matter and the gentleman will see it.

Mr. GARNER. May I ask the gentleman a question? I am merely trying to facilitate the business and save time.

Mr. MANN. The gentleman's measure is not coming up this afternoon. We have a Republican caucus to-night and we are going to quit pretty soon.

Mr. GARNER. And if the gentleman from Texas [Mr. STEPHENS] and the gentleman from Oklahoma [Mr. CARTER] would agree with the House that they would not agree to any amendment other than that contained in this bill, we might possibly unanimously agree to it.

Mr. MANN. I will not detain the House very long, but I think it just as well to make a little statement concerning this matter. I will not go further back than the last Congress.

In the last Congress we passed a bill on May 4, 1914, which is, I believe, precisely the same as the amendment now proposed by the House committee to the Senate bill. That bill went to the Senate, went to the Committee on Indian Affairs of the Senate, was reported by that committee, and was afterwards recommended by the Senate to the Committee on Indian Affairs, and was reported back to the Senate in August, 1914. On March 1, 1914, final adjournment taking place on March 3, the Senate passed the bill striking out all after the enacting clause, and inserting as a new bill precisely the same language that passed the Senate this time, which the House committee recommends be stricken out. At that time neither side would yield. There are some attorneys interested in the bill, as well as other people. The House bill did not contain this language:

And said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof.

There is no occasion for repealing any of these acts when you by specific legislation refer their claims to the Court of Claims, unless you want to put in some additional claims that nobody has heard of. The House bill contained the provision that in arriving at the present value of the annuities which had been agreed upon, interest should not be included.

Well, there is interest claimed on some of these matters for more than 50 years; interest where the Government disputed the right of the Indians to the payments. It never has been the policy of the Government to pay interest on disputed claims. Gentlemen can see that when you come to defining the terms of the treaty of 1837 or the treaty of 1863, interest is a very vital matter.

Then the Senate bill contains this provision: It authorizes the Government of the United States to set off against the Indian claims "all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities."

The House bill contained a provision providing for a set-off against moneys found due the Indians under said treaties, a set-off of all moneys paid to said Indians or expended on their account by the Government of the United States since the treaties were abrogated by the act of 1863, provided that the treaty of 1868 shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians shall be taken into consideration in the determination of the amount of the recovery. In other words, we have paid to the Santee Sioux Indians large sums of money under the treaty of 1868. It is proposed to set aside the treaty of 1868 now. That is the claim. But we have paid the Indians large sums of money under the treaty. They want to relegate the Indians to their rights under the former treaty.

Now, the House bill contains the provision that when they find the amount, if any, that is due to the Indians under the former treaty they shall set off as against that the money that has been paid to them under the treaty of 1868. But the Senate says, "Moneys paid, excluding treaties." There are only two ways in which we have paid the money—either under a treaty or as a gratuity.

A distinguished Senator said to me that under the terms of the House bill there would be nothing due to the Indians. That is what the department has said. We have talked about attorney's fees, but the real "negro in the woodpile" is the provision in the House bill that money that we have paid to them under the treaty of 1868, which they say ought to be abrogated, shall be charged against them when provision is made for paying to them what is due them under the former treaty. If you will read the Senate bill, you would conclude that it included everything heretofore paid the Indians. It says:

All payments or other provisions of every name and nature made to or for said bands by the United States or to or for any member thereof thereunder the authority of any act of Congress, excluding treaties.

We allow them to set up a claim of all the money that is due them under the treaties, and then, if we have paid them money, as we have under the treaty of 1868, which they claim is invalid, that is thrown in the waste pile. We have no set-off here.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. No such provision has been included in any Indian appropriation bill reported by the House, has it?

Mr. MANN. No such provision is included in the present bill. No such provision was included in the bill in the last Congress.

Mr. GARNER. I want to congratulate the present committee of the House.

Mr. MANN. I think in some former bill there was such a provision. In the last Congress I think the provision was carefully gone over by the Committee on Indian Affairs, which in its membership included the distinguished gentleman from Minnesota [Mr. MILLER], who is not now a member.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LONGWORTH. Do these attorneys take these claims on contingent fees?

Mr. MANN. Let me call attention to this attorney's proposition. The House bill, as it passed the House before, provided for the allowance of attorney's fees, and provided for proceeding by petition by one of the attorneys heretofore employed by the Indians under a contract approved by the Commissioner of Indian Affairs. My recollection is that it provided that the attorney fees should not exceed 5 or 10 per cent. As the bill passed the House in the last Congress it provided that they should not be more than 5 per cent of the amount.

Mr. CANNON. And not exceeding \$25,000.

Mr. MANN. And not exceeding \$25,000. They have left out that limitation as it is now reported to the House. The Senate bill provides that the proceedings shall be commenced—

By petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman, or Charles Hill—

Who are attorneys employed by the Indians under a contract dated November 27, 1896, more than 20 years ago—

and the court shall find and award upon a quantum meruit to said attorneys and their associates—

The compensation to be paid to them, with no limitation on the amount. Now, I used to practice law, and while I do not remember very much about it, I do remember one thing, that it was one of the ethical principles that if a lawyer was called upon to swear that another attorney ought to have the fee he asked for he was always worth it.

Mr. GORDON. "Reasonable counsel fees."

Mr. MANN. And it is very difficult to do otherwise. And you can employ in the city of Washington and elsewhere good lawyers, able men, to go before the Court of Claims and swear what the services were worth.

Mr. GARNER. Twenty years' services.

Mr. MANN. Twenty years' services! Why, these are after the contract was made—20 years before the courts, with no limitation on the amount. There are some very distinguished people in connection with these services. Two men formerly in the Senate of the United States are now lobbying for this bill, and they are not the only ones involved who have been prominent. They have got men throughout the country in various places endeavoring to reach Members of Congress in a legitimate way so far as the Members of Congress are concerned, and they may be doing it for nothing for aught I know, but that is not the custom of the business.

Mr. CARTER of Oklahoma. The gentlemen referred to are not lobbying for the bill as it is now before the House, are they?

Mr. MANN. No; they are not. They are not in favor of the House bill. If they had been—well, I will not say that—if the Senate had been, the bill would have become a law in the last Congress. I have no objection to the passage of this bill as it is reported from the committee, but I warn gentlemen at both ends of the Capitol that if an effort is made to pass this bill in the shape that the attorneys want it, there will be some hot talk here.

Mr. DILLON. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from South Dakota.

Mr. DILLON. I understand the gentleman's fears are founded upon the Senate bill and not upon the House bill.

Mr. MANN. Oh, my fears are founded on facts.

I reserve the balance of my time.

Mr. MILLER of Minnesota. Will the gentleman yield to me?

Mr. MANN. I yield to the gentleman.

The SPEAKER. How much time?

Mr. MILLER of Minnesota. Not over five minutes.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. MILLER of Minnesota. Gentlemen of the House, I will be exceedingly brief, although this is a matter of considerable importance, as you all know. I think the gentleman from Illinois [Mr. MANN] and the gentleman from Nebraska [Mr. STEPHENS] have clearly placed the matter before the House. This bill, as it is presented to the House for its adoption, is a bill that I drafted six years ago in consultation with other members of the Indian Committee at that time. I introduced the bill to bring relief to these two tribes of Indians, the Medawakanton and Wapakoota or Santee Sioux. We then discovered what we were up against, and as a consequence we drafted the bill with great care, and that is the bill which I hope the House will adopt. I join with the gentleman from

Illinois in sincerely insisting that it is the only bill this House ever ought to sanction, and that if the conferees on the Indian appropriation bill shall in any way bring in a contrary bill it shall not receive the approval of the House. Now, I would be willing to go further than the gentleman from Illinois. There are not many men who would obstruct the passage of the House bill. I think there is just one. I would not hesitate to name him and say in this bill that not a penny of attorney fees should, directly or indirectly, get into his hands, because in my judgment he does not add any distinction or purity to a matter of this kind that he touches. I am willing to name him, but I will forego that now because he was once a Senator of the United States, and possibly it would not be proper just now to give his name. But I would not hesitate to give it if circumstances make it necessary later on.

This bill guarantees to the Indians that which in right they ought to receive. It keeps to them from attorneys that which the attorneys ought not to have.

This House very wisely, four or five years ago, entered on a determined policy that henceforth just Indian claims should not again be disgraced by squabbles for attorney fees and squandering Indian money in attorneys hands.

This bill as it stands is an absolute guaranty that the Indians shall receive that which is justly theirs, and all of it, and I hope that it will again be passed and be insisted upon for all time to come.

Mr. Speaker, if I may in closing indulge in one further word, it is this: These Indians are in a deplorable condition. I have taken occasion to spend many months studying the massacre that took place in my own State. I had reason to do so. I was raised as a boy in the vicinity of where this massacre took place. Those of my people who were not on the battle fields of the country bore the brunt and shock of pressing back the Indian invasion.

I now say to you with certainty that comes from careful investigation of the facts that there were never in this uprising more than four or five hundred men. Of those who participated 39 were hanged, and the rest were chased, first, into the Dakotas, then a Territory, then westward into Montana and Wyoming, and then subsequently still farther into Canada, and the last fell down and died beneath the snows of British Columbia. All except 50—the number is between 50 and 53—who still live participated in the massacre. They are denied any of the benefits of this act.

During that great strife there were lost more American lives by the tomahawk, scalping knife, and the Indian rifle than ever have been lost in all the other Indian uprisings in the United States since the Pilgrims landed at Plymouth and the Jamestown colony was founded. That is a broad statement, but it is true. And yet the slaughter would have been infinitely greater had it not been for a large number of friendly Indians who took sides with the whites against their own people, many of them to their injury, and some of them to their death. Those men who stood true and loyal to the whites, even against their own kith and kin, had their property rights, their lands, their money, their patrimony, their all, taken from them by the act of February, 1863. We have been a long time righting that wrong. It is better to do it now than never to do it.

Some of these Indians are in Nebraska, and some are still in the southwestern part of Minnesota. They have neither land nor substance. I do not know of any Indians in the United States who are in any worse condition financially than are they. Without land, without property, without industry, they are in a deplorable and sad condition, and those who have remained in Minnesota were every one loyal to the white cause or they would not have been permitted to stay there. The families of all that were even under suspicion, 1,500 in all, were taken to Nebraska.

So, Mr. Speaker, it is meritorious to the Indians that this kind of legislation be passed, to return their property to them which we forcibly took from them, and we need to pass this particularly framed bill in order to cut out attorney fees and attorneys' rapacity.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes.

Mr. MANN. I yield the remainder of my time to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, I desire to say to the committee that as far as I am concerned, being a member of the House Committee on Indian Affairs, and one of the conferees on the Indian appropriation bill, that no legislation will be placed on that bill with my consent of the character that in this case has been proposed by the Senate. There are, as a great many Members of the House know, and as all members of the Committee on Indian Affairs know, a few attorneys in this city practicing before the Department of the Interior who are constantly en-

deavoring to put over crooked deals and vicious legislation, and who are a menace to the welfare and best interests of the Indians throughout the country. This bill as it was reported by the House Committee on Indian Affairs provides that proceedings shall be initiated by petition verified by one of the attorneys who has already been employed in the case. I wish that that provision had not been inserted in the bill. I believe these Indians should be free to employ any attorney they may wish when this bill is passed. As a member of the House Committee on Indian Affairs I would like to see in this bill a provision that any money that might be found due these Indians should not be subject to the claim or lien of any attorney. That has been the policy of the present Committee on Indian Affairs in the House, and I regret that it is not followed in this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. MANN. Mr. Speaker, there is a Republican caucus tonight, and I think we ought to quit at this time. I make the point of order that there is no quorum present.

Mr. RAINEY. Mr. Speaker, I will ask the gentleman to withhold that point for a moment.

Mr. MANN. I withhold it.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 a. m.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. NORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 386) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 230. Joint resolution authorizing the National Society United States Daughters of 1812 to file its historical material in the Smithsonian Institution and to make annual reports to the secretary thereof; and

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc.

The message also announced that the Senate, having proceeded in pursuance of the Constitution to reconsider the bill H. R. 10384, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," returned to the House of Representatives by the President of the United States with his objections and sent by the House of Representatives to the Senate with the message of the President returning the bill. Resolved, That the bill do pass, two-thirds of the Senate agreeing to the same.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7486. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

EVENING SESSION, WEDNESDAY, FEBRUARY 7, 1917.

Mr. STEPHENS of Mississippi. Mr. Speaker, I ask unanimous consent that an evening session be held on Wednesday next, beginning at 8 o'clock and running not later than 11 p. m., for the purpose of considering bills on the Private Calendar unobjected to.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that on Wednesday next there shall be a session of the House, beginning at 8 o'clock p. m. and running not later than 11 p. m., for the purpose of considering unobjected bills on the Private Calendar. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think that 10.30 is a sufficiently late hour.

Mr. STEPHENS of Mississippi. Then I will make it 10.30.

The SPEAKER. The gentleman from Mississippi modifies his request and makes the hour not later than 10.30 o'clock p. m. Is there objection?

There was no objection, and it was so ordered.

THE LATE REPRESENTATIVE FINLEY.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that Sunday, February 25, 1917, be set aside for the paying of tribute to the life and character of the late Representative FINLEY.

The SPEAKER. Is there objection?

There was no objection.

PRICES OF CERTAIN POST-OFFICE SUPPLIES.

Mr. MOON. Mr. Speaker, I want to call up a bill which I think will take only a moment or two and which is an emergency measure. It involves a good deal of money to the Government. I move to suspend the rules and pass the bill (H. R. 20680) authorizing the Postmaster General to increase prices for certain supplies to conform to abnormal market conditions.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Tuesday, February 6, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting a tentative draft of a bill to increase the limit of cost of Aqueduct Bridge across the Potomac River (H. Doc. No. 2025); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Helen S. Hussey, widow of John E. Hussey, deceased, v. the United States (H. Doc. No. 2026); to the Committee on War Claims and ordered to be printed.

3. A letter from the Commissioner of Patents, transmitting report of the business of the Patent Office for the year ended December 31, 1916 (H. Doc. No. 2027); to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 19233) to increase the salary of the United States marshal for the western district of Michigan, reported the same without amendment, accompanied by a report (No. 1418), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WM. ELZA WILLIAMS, from the Committee on the Judiciary, to which was referred the bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters, reported the same without amendment, accompanied by a report (No. 1419), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 335) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 1420), which said joint resolution and report were referred to the House Calendar.

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, Ky., November 8 to 14, 1917, reported the same without amendment, accompanied by a report (No. 1421), which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 350) requesting the President of the

United States to designate and appoint a day on which funds may be raised for the relief of Ruthenians (Ukrainians), reported the same without amendment, accompanied by a report (No. 1422), which said bill and joint resolution were referred to the House Calendar.

Mr. RANDALL, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 20687) to amend the postal laws, reported the same without amendment, accompanied by a report (No. 1423), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 19783) to equip the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes, reported the same with amendment, accompanied by a report (No. 1424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 17190) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission, reported the same with amendment, accompanied by a report (No. 1425), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17189) to prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosives, or otherwise, reported the same with amendment, accompanied by a report (No. 1426), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11706) to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1427), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19579) granting an increase of pension to Henrietta E. Wingard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19763) granting a pension to Calvin Sharpnack; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAUCH: A bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. WINGO: A bill (H. R. 20749) to amend section 8 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," approved March 1, 1895, and for other purposes; to the Committee on the Judiciary.

By Mr. TAGUE: A bill (H. R. 20750) providing for enlistments in the Navy and the United States Marine Corps; to the Committee on Naval Affairs.

Also, a bill (H. R. 20751) providing for enlistments in the Army; to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 20752) to amend an act providing mediation, conciliation, etc., approved July 15, 1913; to authorize the President to protect the operation of trains in time of peace, and to take possession of the common carriers and draft their crews and officials in time of war, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 20753) to provide additional revenue for the construction of 113 naval vessels, as follows: Nine dreadnaughts, 4 battle cruisers, 4 scout cruisers, 28 destroyers, 63 submarines, 1 gunboat, 1 ammunition ship, 2 hospital ships, 1 transport, authorized under previous sessions of Congress and now under course of construction in various private and Government shipbuilding yards; to the Committee on Appropriations.

By Mr. HILLIARD: A bill (H. R. 20754) making an appropriation for the construction of a scenic road to Mount Evans,

in the State of Colorado, and granting to the city and county of Denver the right of way over the public lands within a mile of said road; to the Committee on Appropriations.

By Mr. FLOOD: A bill (H. R. 20755) to carry out the provisions of the treaty of August 4, 1916, for the purchase of the Danish West Indian Islands, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARDNER: A bill (H. R. 20756) to restrict the net number of aliens arriving in this country in any one fiscal year to 200,000; to the Committee on Immigration and Naturalization.

By Mr. WEBB: A bill (H. R. 20757) to define and punish espionage; to the Committee on the Judiciary.

Also, a bill (H. R. 20758) to regulate the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threatened disturbance of the international relations of the United States; to the Committee on the Judiciary.

By Mr. BENNET: A bill (H. R. 20759) to repeal the literacy test; to the Committee on Immigration and Naturalization.

By Mr. EMERSON: Joint resolution (H. J. Res. 365) to place in the hands of the President \$50,000,000 to complete and construct submarines and submarine destroyers; to the Committee on Appropriations.

By Mr. AYRES: Joint resolution (H. J. Res. 366) authorizing the Postmaster General to provide the postmaster at Wichita, Kans., with a special canceling die for the fall carnival and exposition of that city; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Memorial of the Legislature of the State of Washington, favoring the passage of House bill 9805, to create the Mount Baker National Park; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington, favoring the submission to the States for ratification the amendment now pending granting to the women of the United States the elective franchise; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Memorial of the Legislature of the State of Washington, favoring the passage of House bill 9805, to create the Mount Baker National Park; to the Committee on the Public Lands.

Also, a memorial of the Legislature of the State of Washington, favoring the submission to the States for ratification the amendment now pending granting to the women of the United States the elective franchise; to the Committee on the Judiciary.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, favoring the Susan B. Anthony amendment granting suffrage to women; to the Committee on the Judiciary.

Also, a memorial of the Legislature of the State of Oregon, urging the development of water power; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of the State of Oregon, favoring an appropriation for the use of the Bureau of Biological Survey, Department of Agriculture, to prevent the spread of rabies and exterminate wild predatory animals; to the Committee on Agriculture.

By Mr. SINNOTT: Memorial of the Legislature of the State of Oregon, favoring water-power legislation; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of the State of Oregon, favoring woman suffrage; to the Committee on the Judiciary.

Also, a memorial of the Legislature of the State of Oregon, favoring an appropriation for eradication of rabies and predatory wild animals; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 20760) granting an increase of pension to Oliver Budd; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 20761) granting an increase of pension to Bartley Marshall; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 20762) granting a pension to John M. Williams; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 20763) granting a pension to J. P. Boland; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 20764) granting an increase of pension to Charles Dominick; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 20765) granting a pension to Charles L. Hewitt; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 20766) granting an increase of pension to George C. Rimes; to the Committee on Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 20767) granting an increase of pension to Samuel Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20768) granting an increase of pension to Jeff Patterson; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 20769) granting an increase of pension to Daniel Thomas; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 20770) granting a pension to Samuel A. Demarest; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 20771) granting a pension to Georgia L. Swafford; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 20772) granting a pension to Lewis J. Prime; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 20773) granting an increase of pension to Jabez Goodman; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 20774) granting a pension to Elizabeth Sarah Dotson; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 20775) for the relief of Anthony Schnell; to the Committee on Claims.

By Mr. SCULLY: A bill (H. R. 20776) granting an increase of pension to Cecelia B. Chauncey; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20777) granting an increase of pension to John H. Gardner; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 20778) granting a pension to Sophia Hoover; to the Committee on Pensions.

By Mr. BURNETT: Joint resolution (H. J. Res. 364) to grant citizenship to Joseph Beech; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Congressional Union for Woman Suffrage, favoring passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany House bill 20363, for relief of Edward Wilkinson; to the Committee on Invalid Pensions.

By Mr. BEALES: Petitions of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petition of Jacob Leicht and 19 other citizens of South Germantown, Wis., and vicinity, asking for the passage of a law to prosecute the persons or corporations responsible for the rise in the cost of living; to the Committee on Agriculture.

By Mr. CARY: Petition of William P. Vanaltena and Carl A. Zinn, of Milwaukee, Wis., protesting against the increase of taxes on life insurance companies; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of city council of Iron-ton, Ohio, relative to location of the armor plant; to the Committee on Naval Affairs.

Also, petition of the American Specialty Manufacturers' Association, favoring passage of House bill 17350, to promote our export trade; to the Committee on the Judiciary.

Also, petition of Personal Liberty League of Maryland, against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of conservation commission of Albany, N. Y., relative to appropriation for control of white-pine blister disease; to the Committee on Agriculture.

Also, memorial of Board of Trade of Vicksburg, Miss., relative to amending Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of city of Dallas, Juvenile Protective Association of Cincinnati, and the Brooklyn Society, favoring a probation system in the United States courts; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of citizens of Hilton, N. Y., favoring the national prohibition amendment; to the Committee on the Judiciary.

By Mr. DIXON: Petition of 102 citizens of the State of Indiana in favor of the passage of Federal woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Rev. John Gordon and 16 other citizens of Rockford, Ill., favoring the prohibition amendment to the Porto Rico bill; to the Committee on Insular Affairs.

Also, petition of Charles Aves and 45 other citizens of Kingston, against the enactment of section 10 of the Post Office

appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Cigar Makers' Union No. 99, of Sycamore, Ill., protesting against mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of Mrs. Mary P. Fearing, Emily Malbone Morgan, R. E. Jeffrey, H. L. Kennedy, Katharine B. Codreau, Mrs. S. B. Pearmain, C. F. Colbum, Marshall Houck, Robert Hale, L. A. Smith, George C. Morton, James F. Dailey, Charles W. Putnam, Isabella B. Bond, C. P. Atchison, Francis W. Sprague, William L. Slattery, Edna G. Eastman, of the Massachusetts Branch of the League to Enforce Peace, all of Boston, Mass., urging acceptance of the league's peace proposals by the United States; to the Committee on Foreign Affairs.

Also, petition of D. E. Welch and Edith E. Edkins, of Dorchester, Mass., members of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

Also, petition of A. Hueeman, of Winthrop, Mass., member of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

Also, petition of Frank W. Whitchee, of Brookline, Mass., member of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

Also, petition of Hetty L. Hemenway, of New York City, N. Y., member of the Massachusetts Branch of the League to Enforce Peace, urging acceptance of the league's peace proposal by the United States; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 19914, granting a pension to John T. Rogers; to the Committee on Invalid Pensions.

Also, memorial of United Presbyterian Church of Clairsville, Ohio, asking amendment to Constitution of the United States abolishing polygamy; to the Committee on the Judiciary.

Also, memorial of Local Union, No. 1978, United Mine Workers of America, Bellair, Ohio, relative to reducing high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of St. Louis Shoe Repairers' Association, asking for an embargo on leather; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of Hardy Garden Club, of Ruxton, Mrs. John T. Love, and Nellie C. Williams, of Baltimore, Md., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Annie Guggenheimer, of Baltimore, Md., favoring House bill 16358, for woman's division in Federal Department of Labor; to the Committee on Labor.

By Mr. MAGEE: Petition of citizens of Marcellus, N. Y., and others, favoring the national prohibition amendment; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Miss L. H. Piper, Miss Margaret A. Lake, Miss A. L. Rankin, Miss E. Rankin, Mrs. C. J. Jaegle, all of Pittsburgh, Pa., with reference to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of George H. Vollmer and 55 others from Oakland, Cal., and vicinity, protesting against mail-exclusion and prohibition bills now pending in Congress; to the Committee on the Judiciary.

Also, petition of E. E. Frederick and 58 others from San Francisco, Cal., and vicinity, protesting against mail-exclusion and prohibition bills now pending in Congress; to the Committee on the Judiciary.

Also, petition of Herman Prentki and 89 others from San Francisco, Cal., protesting against mail-exclusion and prohibition bills now pending in Congress; to the Committee on the Judiciary.

Also, petition by F. C. Weil and 57 others from Sacramento, Cal., protesting against the mail-exclusion and prohibition bills now before Congress; to the Committee on the Judiciary.

Also, petition by A. G. Hieronimus and 165 others from San Francisco, Cal., and vicinity, protesting against mail-exclusion and prohibition bills pending in Congress; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the Woman's Christian Temperance Union of Slaterville Springs, N. Y., by Mrs. Anna B. Root, corresponding secretary, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Hector Town Temperance Society, by its secretary, Miss Maude E. McCoy, of Reynoldsville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of J. M. Johnson and W. Hampton Warde, of New York, favoring passage of House bill 20080, to protect migratory birds; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., against prohibitory legislation; to the Committee on the Judiciary.

By Mr. SANFORD: Petition of citizens of Albany County, N. Y., against prohibitory legislation; to the Committee on the Judiciary.

Also, petition of citizens of Albany County, N. Y., favoring placing Christian laws on legal basis in law of land; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Marshall Cutler and 14 other citizens of Detroit, Mich., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, papers to accompany House bill 20726 in pension case of Henry C. Holbrook; to the Committee on Invalid Pensions.

By Mr. WASON: Petition of Lucia B. Cutter and 24 other residents of Jaffrey, N. H., favoring House bill 20080, to give effect to the convention between the United States and Great Britain for the protection of migratory birds, the ratifications whereof were exchanged on the 7th day of December, 1916, and for other purposes; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, February 6, 1917.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O Lord God, Father of mercies, we lift our hearts to Thee for Thy blessing. We know not what may befall us in the near future. We can not see the end from the beginning, but we put our cause in Thy hands and trust in Thy power and pray for Thy divine guidance. Knowing that the angel of the Lord encampeth round about them that fear Him and delivereth them, so we pray that the fear of the Lord may be continually before our eyes. In all our ways may we acknowledge Him who hath promised to direct our paths. Do Thou bless our country and lead Thy servants in authority in the accomplishment of Thy purposes in all the affairs committed to their hands. In the name of Christ, the Lord, we make our prayer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GRONNA and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RELATIONS WITH GERMANY.

Mr. STONE. Mr. President, I have an important engagement at this hour that I am obliged to keep. It will detain me an hour, or such a matter. I ask consent that the resolution (S. Res. 351) I proposed yesterday relating to the President's address on the 3d instant may lie on the table until I return, and I shall then, if I can, call it up, approximately, say, at 1 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate the annual report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1916, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I present a memorial of the Legislature of North Dakota, which I ask may be read.

The memorial was read, as follows:

OFFICE OF THE SECRETARY OF STATE,
NORTH DAKOTA.

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the following is a true and complete copy of a certain concurrent resolution adopted by the fifteenth legislative assembly on January 10, 1917.

[SEAL.]

THOMAS HALL,
Secretary of State.

Concurrent resolution.

Whereas the law providing for the free distribution of seeds to farmers contemplates only the distribution of rare and valuable seeds, and seeds that have been found to be peculiarly adapted to certain climates and soils; and

Whereas the present distribution of seeds is not confined to rare and valuable varieties; and

Whereas the distribution of seeds by mail is usually made during the months of March and April, thereby causing a large increase in the amount of mail carried at a time when the mails are being weighed to ascertain the basis for contract with the railroad company for carrying the mail; and

Whereas the benefits derived by the farmers from the free distribution of seeds by mail are not commensurate with the cost of distribution: Therefore be it

Resolved by the Senate of the State of North Dakota (the House of Representatives concurring), That the law which provides for the distribution of seeds through the mails should be repealed, and all rare and valuable vegetable, field, and flower seeds collected by the Department of Agriculture should be distributed to the States through their respective experiment stations and agricultural colleges.

Resolved further, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to each of the Senators and Representatives from this State.

Mr. GRONNA. I simply want to add one word in stating that the legislature of my State of North Dakota consists mainly of farmers.

The VICE PRESIDENT. The memorial will be referred to the Committee on Agriculture and Forestry.

Mr. POINDEXTER. I present a joint memorial of the Legislature of the State of Washington in behalf of the establishment of Mount Baker National Park, which I ask may be printed in the RECORD.

The memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2 of the fifteenth session of the Legislature of the State of Washington with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon. In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol at Olympia, this 29th day of January, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

Senate joint memorial No. 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the members of the fifteenth legislative session assembled in the State of Washington, respectfully present—

That Mount Baker, of Whatcom County, Wash., the most northwesterly county of the United States, is a snow-covered mountain 10,827 feet in height, of great interest, beauty, and scenic grandeur; that by reason of its noble eminence and easy access from all parts of Puget Sound, it is of great and growing interest to the tourists of America.

Wherefore, and in order that this mountain, together with its immediate surroundings, may forever remain a resort for pleasure and recreation for the people of this great Nation and a field for scientific investigation, your memorialists do respectfully petition that that portion of the Mount Baker region situated in Whatcom and Skagit Counties, of the State of Washington, the boundaries of which are particularly described in H. R. 9805, be created a national park under the name of Mount Baker National Park, and in pursuance of that object your memorialists do most earnestly petition your respective bodies to pass the measure now before the House of Representatives creating such park.

The secretary of state is hereby directed to transmit immediately a certified copy of this memorial to His Excellency the President of the United States of America and to each of the Senators and Representatives in Congress from the State of Washington.

Passed the senate January 11, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 24, 1917.

GUY E. KELLY,
Speaker of the House.

[Indorsed.]

STATE OF WASHINGTON, ss:

Filed in the office of secretary of state January 29, 1917, at 2.45 p. m.

I. M. HOWELL,
Secretary of State.

Mr. SMITH of Michigan. I have received a telegram which is in the nature of a memorial, and I ask that it be read for the information of the Senate.

There being no objection the telegram was read and referred to the Committee on Foreign Relations, as follows:

[Telegram.]

DETROIT, MICH., February 5, 1917.

Senator WILLIAM ALDEN SMITH,
Washington, D. C.:

We, the Socialists of the city of Detroit, Wayne County, Mich., in mass meeting assembled, emphatically protest against the taking of further steps that may result in plunging this country into war. The interest of the workers of all countries are identical. War can only result in the slaughter of the exploited producers, solely in the interests of those industrial capitalists who in their competitive struggle are freed to wage war for the maintenance of foreign markets into which are shipped the surplus products exploited from those who toil.

JOHN R. BALL,
Secretary Socialist Party of Detroit.

Mr. LA FOLLETTE. Mr. President, I present some telegrams which I have received. These telegrams are, like the telegrams presented by the Senator from Michigan [Mr. SMITH], in the nature of petitions, and I ask that they be read.

The VICE PRESIDENT. The Secretary will read.